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Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, who has given us life, bless us today in the work we will do. We praise You for work that can be done as an expression of our worship of You. We bring the meaning of our faith to our work rather than making our work the ultimate meaning of our lives. With that perspective, we seek to do everything to Your glory. We pray for mental alertness, emotional stability, and physical strength to achieve excellence in all that we do. Thank You for Your companionship in tasks great and small. It is awesome to contemplate that You who are in control of the universe have placed us in charge of what You want to accomplish through us.

Fill us with Your joy and make us cheerful people who make others happier because we are with them. Make us a blessing and not a burden, a lift and not a load, a delight and not a drag. It's great to be alive! Help us make a difference because of the difference You have made in us. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JAMES M. INHOFE, a Senator from the State of Oklahoma, led the Pledge of Allegiance, as follows:

I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Iowa is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, I say on behalf of the leader, the Senate will be in a period for morning business until 10 a.m. Following morning business the Senate is expected to begin consideration of the conference report to accompany the Transportation appropriations bill or the sex trafficking conference report. The House is expected to consider the Transportation appropriations legislation this morning. Therefore, it is hoped that a vote can occur prior to noon today. Senators will be notified as soon as votes are scheduled. The leader thanks our colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with time to be equally divided in the usual form.

The Senator from Iowa.

ENERGY AND WATER APPROPRIATIONS

Mr. GRASSLEY. Mr. President, the Congress has wisely passed and will send to the President for signature H.R. 4733, the energy and water development appropriations bill for fiscal year 2001. I strongly urge the President to sign this vital legislation.

Proper management of our Nation's rivers is a concern for many Americans. Our rivers provide us drinking water, transportation, and recreation. They also provide habitat for aquatic life, wildlife, and birds. Good management techniques provide that all of these purposes are taken into account and managed appropriately and fairly. I firmly believe that H.R. 4733 provides for good river management. Specifically, section 103 prohibits the use of funds to revise the Missouri River Master Water Control Manual if the revision provides for increases in springtime water releases during spring

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

heavy rainfall or snow melt. Many Iowans see this as just good common sense.

Increased spring water releases could easily cause the wild Missouri, and its many tributaries, to once again flood low-lying areas, including farmland and communities. Floods would cause a severe economic hardship on those affected. Farmers would be unable to plant crops, and home and business owners would experience property damage. Economic activity in the flood areas would decrease or cease during and immediately after the flooding, causing a loss of income for those impacted.

Many Americans forget what it was like to live along the Missouri prior to the construction of the dams. They forgot that the Missouri was truly wild. They forgot what it was like not to be able to safely plant your crops, grow them with some security that there would not be summer floods, and then be able to harvest them safely. They forgot what it was like to lose all or part of a crop. That meant the loss of your investment in time, labor, seed and other inputs. And that meant no income coming in after the harvest.

The folks in town were hurt, too. Houses and businesses were swept away. Basements were flooded with water, muck and other debris. Sometimes the water level went higher than that to the first floor, or even higher. Furniture and family keepsakes were destroyed. Businesses lost inventories. They could not serve their customers if the store was closed. Public drinking water system suffered damage, as did sewer systems. The economic devastation was high. The quality of life suffered. Increased spring water releases would also cause less water to be released during the summer months. The lower river levels would halt river barge transportation. Barges are a key part of the agricultural transportation system. Loss of barge traffic would delivery the western part of America's great grain belt into the monopolistic hands of the rail roads. Iowa farmers have clearly told me that this is unacceptable.

Loss of the use of barges to transport agricultural commodities will drive up farm transportation prices. That in turn will drive up the overall price of our agricultural goods that must compete in the international marketplace. This is unfair to our hardworking farmers, as it puts them in jeopardy of losing markets.

While the farm crops travel downriver to reach markets, the loss of barge traffic would also affect bulk commodities and other items that travel up-river to Iowa. They include fertilizer for farm use, salt for highways in winter, steel for processing plants, and the like. The potential for moving cement for construction purposes would also be lost with lower summer water levels. I have talked to many Iowans who live along the Missouri River. They have told me of the devastation left from past floods. That devastation was more than economic. It produced heartache and broken dreams. Though Iowans are a strong people, the past floods have left their scars on individuals and in community life. Those Iowans have joined together on a nonpartisan basis to say, ''No more floods!'' That is the message for the President to consider as he deliberates on the energy and water appropriations bill. The President is in a powerful position to either do good or to inflict harm. It is almost as if he were actually God, able to exercise the power to flood or not to flood. That is how powerful he is on this issue. It is an awesome power that I hope that he uses wisely. It is my hope that he will decide to prevent flooding. It is my hope that he will listen to our farmers and not make their jobs more difficult than they already are. It is my hope that he will sign this bill.

Mr. President, let the people live in their homes, work in their businesses and farm their farms in safety.

Clearly, the U.S. Fish and Wildlife Service has violated Federal law in its ordering of the Corps of Engineers to begin a spring flood. It ignored the process set forth in the Endangered Species Act. These processes are there to protect everyone, and they were not followed. It has also based much of its opinion on speculation, not facts. The President must depend upon facts and protect due process. H.R. 4733 is good legislation which should be signed into law. It does not deserve a veto. Mr. President, please sign this important legislation.

President Clinton, one time, in private conversation with me, you told me how you understood the problems of the farmers more than most Presidents ever did because you had studied them so much.

Mr. President, you have been in the White House 8 years. I do not know how long it has been since you have visited a supermarket. But remember, food grows on farms, it does not grow in supermarkets. You have an opportunity here to help the farmers in the States of Iowa, Nebraska, Kansas, and Missouri to be able to put their crops in in the spring, to be able to take those crops out in the fall, to be able to ship the harvest down the river when it is most needed, so that the farmers are not the captives of a monopolistic railroad if the barge traffic isn't there for competition.

So, Mr. President, show us that you do, in fact, understand the problems of the farmers and sign this legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. REID. Mr. President, I know Members are waiting to determine whether or not we are going to have a vote today. The majority leader has indicated we likely will have one. From the minority's perspective, we badly want to move to the Transportation appropriations bill which, as we speak, the House is discussing.

But we have a number of Members who are rightfully unwilling to do that until we get the legislation and are able to look at the conference report, which we don't now have. I hope we can start talking about the conference report, with the hope of getting the actual document as soon as possible so that Senators can look at it.

I know one Senator indicated he would like to be able to have a day to look at the conference report. I will check with this Senator and others to see if that can be expedited, if they have an opportunity to review the conference report.

In short, the minority is saying that we are ready to move forward and we are willing, in the late days of the session, to expedite things as much as we can, but there are certain basic things we need to read, such as a bill or a conference report, before we vote on it.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

TRIBUTE TO THE LATE CONGRESSMAN SIDNEY YATES

Mr. DURBIN. Mr. President, it is my sad duty to report to the Senate and to the Congress that I learned a few moments ago that one of the greatest servants of the American people in the Congress in the 20th century passed away last night.

Sidney Yates was a Congressman from the city of Chicago who was elected in 1948 and served until 1999, with only 2 years that he wasn't in service. His was an amazing story. I guess it was a great story of America. His mother and father were Russian immigrants who came to this country in the beginning of the last century. He grew up in the city of Chicago and went to law school. Before that, he distinguished himself, as hard as it may be to understand today, in athletics. He was a semi-pro basketball player and was a member of a Big Ten basketball team when he was a student at the University of Chicago. His semi-pro basketball team was called the Lifschultz Fast Freighters. I used to joke with him about this trucking company and the fact that he was the basketball star for them in the city of Chicago.

On an impulse, in 1948, he decided to run for Congress. It didn't look like a very good year. Tom Dewey was supposed to be elected President, and this young man who had never run for office before was going to try to be elected to the House of Representatives. People didn't give him much of a chance, and his style of campaigning was in sharp contrast with what we do today. I asked him how he ran for office in 1948. He said he had a buddy who

played a guitar and they went from one ward meeting to the next singing ethnic folk songs for the groups there. If there was a German group, he sang in German. If it was a group of his fellow Jewish Americans, he sang something they would find appealing.

There was a young lady watching that campaign by the name of Mary Bain. She had volunteered to work on the Truman campaign. She saw this young man in 1948 wandering around Chicago running for Congress and, frankly, took pity on him and said, ''I am going to try to help this fellow.'' To everyone's surprise, he won in 1948 and came to the House of Representatives; he began a long term of service there. His term of service included many years on the House Appropriations Committee. He was a stalwart, a fighter, a person of real value and principle.

In 1962, Sid Yates was persuaded to leave the House of Representatives and run for the Senate. He ran against Everett M. Dirksen—no small task even in 1962. He lost that race, which was the only loss in his political life. In 1964, he returned to the House of Representatives and once again took up service on the House Appropriations Committee.

I was elected many years later, in 1982, and a couple years after that began to serve on that same Appropriations Committee. Probably the best fortune I had as a Member of Congress was when I decided to take a chair next to Sid Yates in the Appropriations Committee and sit next to this great man for more than a decade. I learned so much and had such a great time in that experience because of who Sid Yates was and what he stood for.

When you look back at Sid's career, there were several things that really made a difference to him, meant a lot to him, and made a difference in this country. He had a passionate commitment to the arts. You know, that gets to be controversial from time to time. The National Endowment for the Arts is occasionally a whipping boy here on Capitol Hill. But Sid Yates never faltered. He believed in the arts. He was a man of the arts. I used to love to listen to him quote the classics from memory. His knowledge of art and music was absolutely legendary.

When Sid retired from the House of Representatives, the tributes came pouring in, but particularly from people around the United States who understood that Sid Yates stood up and defended the arts in America when nobody else would. My daughter is an art student at the Art Institute of Chicago. She knew of Sid Yates. She never met him personally, but she knew what he stood for. He was always there fighting for the National Endowment for the Arts and for arts in America.

As chairman of the Interior Subcommittee of Appropriations, he also had the responsibility to protect America's national parks and many of our national treasures. He protected them with a vengeance. I can recall some of the titanic struggles in the Appropriations Committee when people would want to exploit America's national treasures. They didn't have a chance when they fought Sid Yates.

There were so many other areas where he worked so hard. I recall the creation of the Holocaust Museum. Sid was devoted to the nation of Israel. So many people across America looked to him, and so many Members of Congress looked to him for guidance on important issues involving the Middle East. When he was asked to be part of the creation of the Holocaust Museum, you just knew it would be a success, as it has been here in Washington, DC. He was one of the founding members on the board of directors there and a person absolutely revered for his commitment in that regard.

Through it all, too, he was committed to the rights and freedoms of Americans. I know it wasn't always popular, but you could count on him to stand up, in good times and in bad, for the freedoms that were guaranteed under the Bill of Rights. Sid Yates was a great man, and he had a great partner in life in his wife Addie, who was always by his side during his public service.

I once asked him what his greatest achievement was in the Congress, and I was surprised that he said: Well, you would not think of it when you think of me as a Democrat, but back in the 1950s, the atomic submarine program was being debated in America, and a fellow by the name of Hyman Rickover was being criticized on Capitol Hill. I came to his defense because I thought he was a good man and had a good program. I am proudest of that moment.

I never would have guessed that, but that was just part of Sid's career. For over 50 years, Sid Yates was fighting for America, fighting for Chicago. He left his mark on the Chicago shoreline and the museums and institutions of that great city. But most of all, he left his mark in our hearts—those of us who had the good fortune of serving with him, learning from him, and standing today in tribute to his great memory.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended for 10 minutes.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

SID YATES

Mr. REID. Mr. President, I want to say, before my friend from Illinois leaves the floor, that I had the pleasure of serving with Sid Yates. I served with him in the House, of course, but didn't know him very well in that large body. I came to know him better after coming to the Senate and being a member of the Interior Subcommittee on Appropriations while he was chairman of that committee on the House side.

We worked very closely together. Everything the Senator from Illinois has said is absolutely true about Sid Yates. He was a distinguished man, and a distinguished looking man. When he left the House, he was almost 90 years old; handsome; stood tall; never faltered a word of his speech.

Being from the western part of the United States, I will never forget Sid Yates. He stood for the West. He loved the wilderness, and he helped us protect the pristine wilderness of Nevada and other places in the West. Native Americans never had a better friend in the Congress than Sid Yates.

I didn't know Sid Yates as well as my friend from Illinois, but I have great respect and admiration for Sid Yates, and I will never forget him.

Mr. DURBIN. Mr. President, if the Senator will yield, I thank the Senator from Nevada for his comments. I think each one of us who served with Sid Yates on either side of the aisle will never forget him. When his retirement came about, Congressman RALPH REGULA, a Republican from Ohio, never missed a retirement event for Sid Yates. I think it showed that he reached across the aisle and established friendships and alliances that were not just good for Congress but were good for America. He was a wonderful man. I am blessed to have known him, to have served with him, and perhaps to have learned a few lessons at his side.

I think his legacy will be his efforts for education, for defense of the arts, for defense of the environment, and for the rights of Americans.

Our condolences go to Addie and his family. We wish them strength in this time of loss and tell them we stand by their side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Morning business is closed.

Mr. STEVENS. Mr. President, what is the business before the Senate?

NATIONAL ENERGY SECURITY ACT OF 2000—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of S. 2557, a bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. MCCAIN. Mr. President, I ask unanimous consent that it now be in order for the Senate to immediately turn to the consideration of S. 3059, and that only relevant amendments to the bill be in order.

Mr. STEVENS. I object.

Mr. MCCAIN. Mr. President, the reason I am objecting to taking up the Department of Transportation appropriations report is that it contains a substantive amendment to the Federal Motor Vehicle Safety Act. The legislation was never approved by either House or Senate commerce committees and failed in its attempts to correct indisputable faults with safety data collection and retention practices of the National Highway Traffic Safety Administration.

Well over 100 Americans have died, and estimates are that as many as 150 in other countries. This is a very serious safety issue in which American lives are at stake.

I am simply asking to take up this legislation. I will be glad to have any amendments and time agreements associated with it—anything that we can do to move this legislation along.

The House Commerce Committee yesterday passed similar legislation. We are told it will be passed on the floor of the House by next Tuesday.

Why we can't take up this bill, which is designed according to consumer organizations, according to the Secretary of Transportation, according to all outside observers and safety experts, to stop or at least take action to reduce the number of American lives that will be lost on the highways of the United States of America is really hard to understand.

Let me do the best I can to explain it.

What is happening here is the ''fix is in.'' Here is the fix. The House will pass a bill. The Commerce Committee passed a bill, and the House will pass that bill this week.

We have a series of holds on this legislation which passed the Commerce Committee by a vote of 20–0 in a bipartisan fashion after getting testimony from experts from all over America, from the Secretary of Transportation, from the Acting Director of the National Highway Traffic Safety Administration, and others. That bill is now on the calendar. There are holds on the bill.

Here is the fix. The House will pass the bill. The Senate will refuse to take up the bill because of holds, and we will then pass—no matter how hard I try to prevent it—the Department of Transportation appropriations safety report that contains simply language concerning what can be done about this issue.

I have taken the floor on many, many occasions to talk about the influence of special interests in Washington. The automotive industry is now blocking this legislation. The word is on the street. The ''fix'' is in that the bill will not pass the Senate, or pass the House so House Members can say we did what we needed to do.

You know what we are talking about here. We are talking about the lives of American citizens who are in danger as we speak. The special interests will now prevail over safety interests, where lives of Americans are literally at stake. Remarkable. Remarkable commentary. Remarkable.

I have a letter and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER *5, 2000.*

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.
Hon. ERNEST HOLLINGS,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN AND SENATOR HOLLINGS: We are writing in support of your decision to halt the FY 2001 Department of Transportation appropriations bill pending Senate action on the Ford/Firestone amendments to the Motor Vehicle Safety Act. While we recognize that there are compelling reasons to support the appropriations bill—such as the new rule mandating that drunken driving blood alcohol levels be lowered to .08% nationwide—we feel it is imperative that Congress react with legislation to the Ford/Firestone tragedy before the close of this session.

Signed,

Bob and Laura Bishop, Bartlesville, OK; Geoffrey Coffin, Shelton, CT; Janette Fennell, San Francisco, CA; Vickie and Joe Hendricks, Corpus Christi, TX; Spence Hegener, Baylor University, Waco, TX; Pam Hegener, Lake Charles, LA; Juanita Sawyer, Tahlequah, OK; Robert C. Sanders, Upper Marlboro, MD; Spencer and Elizabeth Taintor, Miami, Florida; Sondra Runfeldt, West Palm Beach, FL; B.J. Kincade, Catoosa, OK; Shannon Johnson—Query, Jacksonville, FL.

Mr. MCCAIN. It reads:

DEAR SENATOR MCCAIN AND SENATOR HOLLINGS: We are writing in support of your decision to halt the FY 2001 Department of Transportation Appropriations bill pending Senate action on the Ford/Firestone amendments to the Motor Vehicle Safety Act. While we recognize that there are compelling reasons to support the appropriations bill—such as the new rule mandating that drunken driving blood alcohol levels be lowered to .08% nationwide—we feel it is imperative that Congress react with legislation to the Ford/Firestone tragedy before the close of this session.

Mr. President, this is signed by the relatives of people who have been killed in accidents because of the Bridgestone/Firestone problem. Can't we listen to the family members of those who have been killed on the highways of America with a fixable problem, at least action that has been recommended unanimously that must be taken to prevent further tragedies on America's highways?

This is egregious. I don't think many American citizens would approve of the Senate blocking legislation which is designed to save lives.

There may be a couple of controversial aspects of this bill, although it passed out of the Commerce Committee unanimously. There may be a couple of controversial aspects of this bill. Fine, let's have amendments and time agreements. We can dispose of those controversial aspects of it in a matter of a few hours. I eagerly welcome such a thing. The Senator from Alaska has just objected to us taking up this legislation which we could dispose of in a few hours. The lives of American citizens are at stake here.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I will not.

Mr. STEVENS. For one moment for clarification on that.

Mr. MCCAIN. The Senator from Alaska has just objected to us moving forward with legislation which, in the view of any outside expert, has to do with American lives that are endangered on the highways of America due to a flaw in the Bridgestone/Firestone situation and/or Ford automobiles.

This is serious business. This is serious business. There has been a series of holds put on this bill. We now object to taking up this legislation in favor of an appropriations bill which has watered down language which is intended—at least in the view of some—to address part of the problem. It does not. Ask any safety expert. It does not.

As to the language that has been inserted in the conference bill, I guess we can all thank the advocates of safety for the provision that was in the bill that prevented the National Highway Traffic Safety Administration from addressing rollover accidents for a year until a National Academy of Sciences study was completed—again, the special interests.

I intend to do whatever I can to see this legislation is brought up before the Senate. I hope those Senators who have a hold on this bill will step forward and identify themselves. This isn't an ordinary piece of legislation. This is a piece of legislation that has to do with the lives of American citizens and those overseas. I don't know of a more compelling problem.

Mr. President, I rise in opposition to the Department of Transportation appropriations report that contains a substantive amendment to the Federal Motor Vehicle Safety Act. This legislation was never approved by either the House or Senate Commerce committees and it fails in its attempt to correct indisputable flaws with the safety-related data collection and retention practices of the National Highway Traffic Safety Administration.

The language contained in the appropriations report falls short of the mark

for many reasons, but for now, I will list only the key shortcomings. First, it fails to require manufacturers to collect and report essential safety-related information that would allow the Secretary to identify potential consumer-safety issues. Second, it fails to increase penalties for violations of the Federal Motor Vehicle Safety Act. And third, the language does not require NHTSA to upgrade the 30-year-old federal tire-safety standard.

Prompted by an August 9, 2000, announcement by Ford Motor Company and Bridgestone/Firestone to recall millions of potentially defective tires, the Senate Committee on Commerce, Science and Transportation held a September 12th hearing that was attended by the Secretary of Transportation, NHTSA's Acting Administrator, the parties involved in the recall, and several consumer groups. All who testified agreed that systemic changes were needed to make the processes of sharing safety-related information more efficient. In response, on September 15th, joined by my colleagues, Senators GORTON and SPECTER, I introduced S. 3059, the ''Motor Vehicle and Motor Vehicle Equipment Defect Notification Improvement Act.'' This bill would dramatically amend the current law by ensuring NHTSA's possession of critical information regarding motor vehicles and motor vehicle equipment that would enable it to make sound safety-related decisions.

Following the introduction of S. 3059, the House Commerce Committee began consideration of H.R. 5164, the ''Transportation Recall Enhancement, Accountability, and Documentation Act,'' also referred to as ''T.R.E.A.D.'' While the House's bill does not appear to be entirely adequate to correct the current law, it does seek to accomplish similar objectives as S. 3059. Therefore, I was encouraged by the possibility of compromise prior to the conclusion of the 106th Congress. However, due to the limited amount of time remaining prior to the adjournment of this Congress, the differences of the House bill, and the unapproved actions taken by the Senate Appropriations Subcommittee on Transportation, I offer today a narrower version of S. 3059 that I hope that my colleagues would support.

Mr. President, I would like to outline what the new version of the bill would do:

Reporting requirements: The bill would direct the Secretary to collect additional safety-related information from manufacturers; specifically, it would mandate that the Secretary require manufacturers to collect and report new information about defects—including information about foreign recalls, but only to the extent that the information may assist in the identification of potential defects related to motor vehicle safety or failures to meet the federal motor vehicle safety standards. This information would include accidents or incidents, claims data, warranty adjustment data, and other safety-related information. The method, manner and extent of the collection of this data would be determined through rulemaking by the Secretary.

Civil penalties: This legislation would increase the Motor Vehicle Safety chapter's maximum civil penalty from $800,000 to $15,000,000, and allow for the assessment of larger civil penalties for intentional and willful acts.

Criminal penalties: The Secretary would be authorized to assess criminal penalties for knowingly violating provisions of the Motor Vehicle Safety Act, which results in death or grievous bodily harm. This provision of the bill has been the subject of much discussion. Let me briefly describe what would be required for a manufacturer to be subject to criminal penalties under this section. The manufacturer, their officers or directors, would have to order, authorize, or ratify the introduction of a motor vehicle or motor vehicle equipment into interstate commerce while knowing that the motor vehicle or equipment violated federal safety standards, that violation created a serious danger of an accident that would result in death or serious injury, and death or such injury occurs. Let me be clear, the standard required under this provision is ''actual knowledge.'' This provision is intended to provide the option of criminal penalties only in instances of conduct that are so egregious as to render civil penalties meaningless.

The inclusion of a criminal penalties provision has received support from the Secretary of Transportation, Jacques Nasser, who is the President and CEO of Ford Motor Company, and consumer groups such as Public Citizen. This type of penalty is not novel. Multiple agencies are authorized to assess criminal penalties, including, among others, the Department of Labor, the Consumer Product Safety Commission, the Food and Drug Administration, and the Environmental Protection Agency. This provision would authorize the Secretary, in conjunction with the U.S. Attorney General, to pursue criminal penalties against automobile manufacturers in instances where State governments may not have the resources to enforce their relevant law.

Updating safety standards: Finally, this bill would require NHTSA to upgrade the tire-safety standard for the first time in 30 years.

Regardless of whether the House or Senate version of the bill is enacted, the need for this legislation was triggered by the possibility that Ford and Bridgstone/Firestone may have had knowledge of a safety-related problem concerning the performance of certain tire models prior to the recall, but refrained from reporting even the possibility of a defect to NHTSA. Notwithstanding whether or not the manufacturers knew of the problem, the situation focused my attention, as well as the attention of my colleagues, to flaws that exist in the reporting processes between manufacturers of motor vehicles and motor vehicle equipment, and NHTSA. S. 3059 would amend the Federal Motor Vehicle Safety Act to make it more difficult for manufacturers to knowingly conceal safety-related information from the Secretary of Transportation and increase the penalties for such unlawful conduct.

Under current law, manufacturers are not required to report to NHTSA either ''claims data,'' which include personal injury or property damage claims that can be helpful early-warning indicators of potential threats to consumer safety, or overseas actions involving equipment and vehicles sold in the United States. Furthermore, should manufacturers fail to report safety-related information that is required by the Secretary, the maximum civil penalty allowable under the current law is a mere $980,000. To put this in perspective, last year Ford Motor Company spent $2.57 billion on advertising. Other than minor adjustments over the last two years, the maximum civil penalty has not been updated since its enactment, which means, at a minimum, if adjusted for inflation it should be five times that amount in the year 2000. Finally, the current law does not allow for the assessment of criminal penalties for particularly egregious conduct. The absence of criminal penalties coupled with a nominal maximum civil penalty creates an environment where meaningful enforcement is impossible commonplace. This bill would change that practice.

Mr. President, thus far, NHTSA has linked more than 100 deaths to the failures of Bridgestone/Firestone tires that are subject to the current recall. Each day it becomes more apparent that these deaths may have been avoided had NHTSA possessed vital safety-related information that the law does not currently require manufacturers to report. The legislation that I have introduced does not accomplish all of the needed reforms, but it is a positive step toward a more efficient exchange of safety-related information between the Secretary and manufacturers. Nevertheless, S. 3059 is being held up partly due to the influence of the automotive industry. The lives of American consumers are being placed at risk. We must act quickly to resolve the flaws in NHTSA's data-collection processes and prevent the recurrence of this crisis.

I express my deep disappointment that the ''fix'' is in from the special interests. This bill will be held and will not be passed by the Senate; it will be passed by the House. Guess what. We couldn't do anything. I hope the American people are well informed by the media and by those family members who have lost loved ones and by the public safety advocate who see what is happening here. It is not my proudest moment in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator from Arizona for his normal courtesy to me as manager of the bill that we are trying to bring up. I did not object on my own behalf and he knows that full well. But I do believe we all know what the situation is.

UNANIMOUS CONSENT REQUEST—H.R. 4475

Mr. STEVENS. Mr. President, I ask consent that the Senate now proceed to the Transportation appropriations conference report, notwithstanding the receipt of the papers from the House.

I further ask consent that the conference report be considered under the following time agreement: 10 minutes for the chairman and ranking member of the Appropriations Committee; 10 minutes for the chairman and ranking member; of the appropriations subcommittee; and 15 minutes under the control of Senator MCCAIN.

I further ask consent that following the use or yielding back of time, the Senate proceed to vote on the adoption of the conference report, without any intervening action or debate.

Mr. MCCAIN. I object.

Mr. STEVENS. I thank the Senator for his normal courtesy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will take 10 minutes in morning business while we are trying to work things out here on the floor.

Mr. STEVENS. Mr. President, will the Senator yield for just one moment?

Mr. WELLSTONE. I am pleased to yield.

Mr. STEVENS. For the purpose of managing the floor, would there be an objection if we extended morning business until 11 a.m.? The papers are not here on the Transportation appropriations bill.

EXTENSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that morning business be extended to the hour of 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. REID. Will the Senator yield, just so I can enter into a colloquy with my friend?

Mr. WELLSTONE. I am pleased to yield.

Mr. REID. I say to Senator STEVENS, the problem we are having on this side, as I know you are having on your side of the aisle, is whether there is going to be any votes this morning. Would you be able to determine that quickly from your leader, as to whether or not there is going to be a vote? We have a number of Senators, with the holiday coming up, with places to go. We need to know whether there is going to be a vote this morning.

Mr. STEVENS. I say with due respect to my friend—and despite words at times, he is my friend—I believe the Senator from Arizona would have to answer that. It is our intention, once the papers are here, to move to proceed to that conference report. That is not a debatable item. There would be a vote immediately. After that, the conference report would be before the Senate, I would ask for the yeas and nays, and it would be a matter of time, how much time the Senator from Arizona wishes to debate the bill.

I know of no other speakers.

Mr. REID. I have spoken to my friend from Arizona and there is no question he is going to want to speak for more than a half-hour or an hour.

Mr. STEVENS. I would expect that. I honor his right to do so. It would be my predilection that you should address that to the leader. The question is how late in the day would the Senator from Arizona finish his brief comments?

Mr. REID. If, in fact, he would finish today.

Mr. STEVENS. That is for the Senator from Arizona to determine.

Mr. REID. I guess my question to the Senator from Alaska is, if we do not vote on that, does the majority leader want us to vote on something else today? I hope in the next few minutes there could be a determination made as to whether or not, around 11 o'clock when we finish morning business, there will be a vote on something other than the Transportation appropriations bill.

Mr. STEVENS. I might say to my good friend from Nevada, and to the Senate as a whole, it has been my request to the leader that we proceed with appropriations bills and only appropriations bills so we can get them to the President. We have been doing that. We do have other appropriations bills on the move now. The Agriculture conference was finished last evening. I do not think we can get to that today. But I do believe we should try to finish the Transportation bill today if we can and take up Agriculture appropriations next week.

We have three other conferences that are going forward and we do, I understand, have an agreement now—nearly an agreement on how to handle the VA–HUD bill. So we should be voting on several bills early next week. But I do not know of any other bill that we can get before the Senate today in the form of a conference report. I do think we could handle the VA–HUD bill if we could round up that agreement. It is still waiting for one clearance. I doubt we will finish that one today. We should take that up early next week, however.

Mr. REID. It sounds to me it is fairly safe to assume there will not be any votes on appropriations bills today. As I said, I have spoken to my friend from Arizona.

Mr. MCCAIN. If my friend will yield, I am seeking agreement to take up this legislation on which American lives are at stake—not money but safety and lives of Americans. I am seeking an agreement to take that up. If we could get agreement to get that bill up, with relevant amendments, then I will be more than happy to not impede the work of the Senate.

I do not know of a higher priority than to take up legislation about a compelling issue that has to do with the lives of the American people. So I hope we could get an agreement to take up that legislation, either now or in the next several days. Then I would certainly remove my objections to proceeding with an appropriations bill. Apparently, that is not the case because there are ''rolling holds'' on this legislation. I think that is really quite remarkable.

Mr. STEVENS. Mr. President, as the Senator from Arizona knows, I am a member of the conference committee, and I support the legislation he mentions. But I also know portions of it are in this bill and were agreed to by the Transportation conference committee, and the matter he suggests is a leadership issue. I am in no position to negotiate on when the bill, that I also support, would come up. But I do believe our problem is trying to get this bill on its way. We cannot flood the White House with bills, appropriations bills, and expect to get answers in time.

We are trying to get them down day by day so we can get some timing and get some response. If the President wishes to veto them, we will have to come back and deal with those, too.

But we are trying to move this bill. This bill is ready to go. The Transportation bill is ready to go. It contains a portion of the bill the Senator from Arizona has mentioned—not all of it but a portion of it. It is not negative, but it is not totally positive.

I do believe the issue he reaches, whether or not the Senate will allow the consideration of the bill—that is under consideration now in the House—at any particular time, is a matter for the leader to determine, not for me. I would like to move forward with this Transportation bill. I urge my friend to allow us to do that because it is a significant bill, one of the most significant Transportation bills on which I have been privileged to work. It sets a new process for trying to reduce the increasing numbers of drunken drivers on our highways.

If there is a safety problem out there that is greater than the one the Senator from Arizona mentioned, it is alcohol. I do not want to see this bill delayed. I would like to see it get to the President. I am informed the President will sign it. I hope he will. We could get

it to him today if the Senator from Arizona will allow us to do that. But for now, I suggest the absence of a quorum.

Mr. WELLSTONE. No, no.

Mr. STEVENS. Pardon me. I do thank the Senator for yielding. I apologize and yield back to the Senator from Minnesota.

Mr. REID. Mr. President, it is my understanding the Senator from Minnesota has the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor for 10 minutes.

Mr. REID. The Senator from Minnesota has the floor. I know his urgency, being able to speak for up to 10 minutes, but there are a number of Senators who are concerned about whether or not we are going to have a vote. It appears, based on what the Senator from Alaska said and interchanges with the Senator from Arizona, we are not going to have a vote on appropriations bills today. That seems very clear. So unless there is a vote on some other issue, or on a motion to proceed to it, I don't think we will have a vote.

Mr. MCCAIN. If the Senator will yield, I am still hoping the leadership will agree to take up this bill. The chairman of the Appropriations Committee says he is not in the leadership. I have seen the Senator from Alaska have significant effect on the leadership from time to time. What I am hoping is we can get this issue resolved and move forward with the Transportation appropriations bill.

Mr. STEVENS. Will the Senator yield further? Without question, there will be a vote on the motion to proceed to the Transportation appropriations bill today—without any question.

The PRESIDING OFFICER. The Senate is in a period for morning business to end at 11 a.m. The Senator from Minnesota has the floor for not to exceed 10 minutes.

Mr. WELLSTONE. Mr. President, one has to keep a twinkle in one's eye, I guess. I am glad we are going to vote on something. I do not mind being here Monday early or Friday late as long as we are working. Sometimes it is a little maddening when there are other things you want to do back in your State that you think are important and you do not know if we are going to have a vote.

I am glad we are going to vote on something and move forward.

VIOLENCE AGAINST WOMEN ACT AND TRAFFICKING VICTIMS PROTECTION ACT

Mr. WELLSTONE. Mr. President, in the spirit of moving forward, I thank colleagues for the bipartisan work on the Trafficking Victims Protection Act. I especially thank Senator BROWNBACK with whom I have had a chance to work very closely on this bill. There are other key people as well.

This conference report, without going into all the details, which will come to the Senate I hope—''pray'' may not be too strong a word—probably Tuesday—it looks as if we are just now working out a time agreement. I thank all Senators for their cooperation.

What is important about this legislation is that we have one part of it that deals with trafficking, which I want to talk about in a moment, and the other is the reauthorization of the Violence Against Women Act which received a huge vote in the House of Representatives.

The Violence Against Women Act, VAWA, has made a huge difference. I could talk for hours about the shelters, about the hotline, about the ways in which police take violence against women more seriously, about the ways in which the country takes this more seriously. Still, about every 13 seconds a woman is battered in her home, and still there are somewhere around 3 million to 10 million children who witness this.

We have to do even better. I look forward to a couple of efforts next year, one dealing with a program which will electronically link all of the shelters, so with one phone call, one, you will know where to go and can be saved, and, two, it will focus on the children who witness this violence. I feel good about the fact we are going to move forward with this. It certainly appears that way. I thank all Senators who have been willing to cooperate.

I also feel good about the trafficking bill on which I have had a chance, as I said, to work with Senator BROWNBACK.

So colleagues know, these two pieces of legislation have a lot of integrity in how they interrelate with one another. One deals with violence against women, children, and families. There are a number of women organizations around this country that have worked on this. They made this possible. And the strong voices of Senators—from Senator BIDEN to Senator LEAHY to Senator BOXER and others—have made a huge difference.

I started on the trafficking legislation 3 years ago. I do not even know if it is appropriate to brag, but it is not about me. My wife Sheila said this is something we really should do. There has been great help from a lot of Senators.

Again, I thank Senator BROWNBACK and also Representatives CHRIS SMITH and SAM GEJDENSON for their help and work, and CONNIE MORELLA is always there on all these issues. I will talk more about staff and the great work by people after this passes. It has not passed yet, but I think we are there. I say to Senator REID, I believe we are there in terms of finally getting a time agreement and we can move this forward.

We are talking about the trafficking of some 2 million women, and mainly girls, for the purposes of forced prostitution and forced labor, some 50,000 to our country. This rivals drug trafficking in terms of how scummy it is and how exploitative it is.

What happens is these women, girls, in countries that are going through economic chaos and disarray are recruited. They are told they will have an opportunity to be a waitress, an opportunity to come to another country, such as our country, and make an income and be able to build a good life.

This happened at a ''massage parlor'' 2 miles from here in Bethesda where these girls were forced into prostitution. What happens is, these young women, young girls, do not know their rights; they do not know what they are getting into. They come to these countries, and then it becomes a nightmare.

This legislation focuses on prevention. We have an outreach through AID with some of the nongovernment organizations and others who really do the information work so that young girls, young women, know what might be happening to them, know about trafficking, know what the dangers are, and hopefully will have some knowledge about this before they are exploited. That is the first piece.

The second piece is the protection piece. The bitter irony is that all too often one of these young girls, young women, steps forward and says: This is what is happening to me. If they should escape from it, they then are deported. So the victim is the one who ends up being punished. There is a temporary visa extension for 3 years, and then decisions are made after that.

There are services for these women and girls. I say ''girls'' because we are talking about children, too, 12, 13 years of age. In Minnesota, we have a very, I think, holy place called the Center for the Treatment of Torture Victims. When women and children go through this hell, there is a whole lot that needs to be done to help them rebuild their lives. We have a provision for those services.

The final thing is prosecution. If you are going to be involved in the trafficking of a girl under the age of 16 for purposes of forced prostitution, you can face a life sentence. We should take this seriously. We will be the first country to pass such strong legislation, the first Government in the world. This will be a model for a lot of other governments around the world.

This is one of the best human rights pieces of legislation in the Congress in some time. I am not objective because I have had a chance to be a part of it. I am proud of the fact that we are going to do this. I am proud of the fact that it is going to be linked with the reauthorization of the Violence Against Women Act. And I am proud of the fact the Senate next week, I hope early on, right after Yom Kippur, the Jewish holiday, will take decisive action and will pass this most important human rights legislation. I say to all colleagues, please cooperate. Please, let's do this. This will make a difference. It will make a difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from Minnesota leaves the floor, I want to make a couple comments. There have been, as the Senator indicated, a number of people who have worked very hard on domestic violence. Senator JOE BIDEN authored the original legislation and has been a model for what has transpired since then.

I say in the presence of the Senator from Minnesota that since he came to the Senate, this has been an issue he has worked on passionately. I appreciate the work he has done.

The Senator from Minnesota mentioned his wife Sheila. I remember the work the two of them have done together.

I remember the display they put in the Russell Building, which certainly dramatized the need for continuing the work in this area. There are many unique partnerships in America today, but one of those that I admire greatly is that of PAUL and Sheila WELLSTONE. They have worked on these issues together. I think it goes without saying that the good work the Senator has done would not be as good but for the involvement of his wife.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Senator REID from Nevada is very gracious towards lots of Senators. That is just the way he is. I thank the Senator very much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SAFETY AND THE TRANSPORTATION APPROPRIATIONS CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I want to emphasize the bipartisanship of the request made by my distinguished chairman, the Senator from Arizona, to get some kind of consent for S. 3059, the bill dealing with, of course, the defective equipment. We had extensive hearings.

Let me emphasize several things that we learned during the hearings.

One, generally speaking, the National Highway Traffic Safety Administration has been—I do not want to say defunct; I will use an elaborative; dormant. The testimony showed there had not been a single recall ordered by the National Highway Traffic Safety Administration in five years. They had not ordered a recall.

Now, of course, I have kept up on this because I have had to stand in the well defending my trial lawyer friends who really bring about far more safety than one would normally suspect. In the 5-year period, there have been 99 million recalls. And everybody can write a thank-you note to Mark Robinson in the Pinto case. He never collected a cent in his punitive damages. But once industry realized there could be just that—lawsuits —then they began to voluntarily have recalls. And that is what occurred here.

This defective tire situation, causing multiple deaths—over 100 that we know about in the United States—was not a result of recalls ordered by NHTSA. More or less, the lawsuits, even though gagged, had really brought it to the attention of NHTSA to get off the dime, wake up, and start acting.

So we brought together now a measured safety precaution where this will not occur again. And again, it has been simmered down somewhat from the unanimous vote. We have been working, on both sides, with consumer product safety officials, with the tire companies. I talked to the tire companies themselves. Their main objection, in a way, to that bill was dealing with foreign defects, in reporting foreign defects and otherwise. Of course, you can call it the A tire here in the United States and manufacture the B tire in another country like it is different, but it is the same tire. So we would want to know about the recalls in Saudi Arabia, which started first, in order to bring the attention here of the Firestone defect.

So we worked it out. Now here we have a unanimous report out. The distinguished chairman of the Appropriations Committee, as he just said a moment ago, had no objection to that bill coming up because he voted for it to be reported favorably to the floor of the Senate. Otherwise, the distinguished majority leader, as a member of our committee, voted for it. So there has to be an untying of this snarl or knot so that we can get things done.

The only reason we cannot get it done is that we cannot offer an amendment to the conference report. If the conference report were an item just called up, we could call up this amendment, have a time limit for 10 minutes to a side, and easily adopt or reject the amendment, which was the bill, S. 3059. But, of course, it is a conference report, and under the rules we cannot just bring it up as an amendment. I say that so everybody will understand.

But as the distinguished chairman of our committee, Senator MCCAIN, pointed out, we could easily agree to give it some kind of consideration—an hour to a side. It could be called up so we can stop this indiscriminate killing on the highways due to faulty equipment.

I think it ought to be emphasized that we found this out really as in getting past the gag orders. I do not like these gag orders, but sometimes they do promote settlements of judicial disputes. So we do not have anything in the bill in relation to the gag orders. But when you get lawsuits—that means that you have gone to a lawyer; you have a serious injury or you maybe have a death case, or whatever it is—so when you get multiple lawsuits, then that notice is given, of course, to NHTSA, and we can act from there.

But it is a studied, deliberate, measured response. Generally speaking, they don't ever agree. I do not want to infer the industry agrees this is a good bill, but listening to them, they didn't have any serious objection that I can discern.

I support 100 percent Senator MCCAIN's movement on the floor. He is not holding things up. We can get a Transportation conference report to the President here on Friday. We can come in here on Tuesday, if there is a holiday on Monday. We can easily get it to the President.

And as has been indicated, it has already been approved. We know the White House folks watch and make sure their concerns are taken care of in the measure. So whether it gets there Friday, gets there Tuesday, next Wednesday, let's get on with having safety in America.

The Senator from Arizona standing in the well is not being an obstructionist whatsoever, but trying to promote safety where everybody is agreed. But, as he said, there is a ''fix'' on somewhere because why can't we just call up the bill and get an agreement and everything else of that kind?

Our distinguished leader, the Senator from Nevada, says perhaps there is not going to be any vote in the Senate. And the Senator from Alaska, the chairman of the Appropriations Committee says, oh yes, we are going to have a vote to move to proceed. But that is not going to get us anywhere because with the vote to proceed, we will still have plenty of time to talk. And we will talk into next week, and talk into Tuesday and Wednesday, and everything else, to show to the American people that there is some kind of responsibility with this political entity here, the Senate.

Heavens above, when we have everybody agreed—it is totally bipartisan—why can't we move deliberately and bring it up and have a vote on it?

The PRESIDING OFFICER. Time in morning business has expired.

Mr. HOLLINGS. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. DODD. May I inquire? Would it be possible to extend morning business a few minutes beyond the 11 o'clock hour?

The PRESIDING OFFICER. It would take unanimous consent.

Mr. DODD. Senator STEVENS and I both have a short time we want to take after our distinguished colleague has a chance to speak.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended until 11:15, with the time equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

THE PROGRESS OF THE SENATE

Mr. THOMAS. Mr. President, I want to speak about energy, which seems to be one of the things I think is very important that people are talking about. But first I wish to comment a little on the progress, or lack thereof, that we are making in the Senate. It is not unusual that we come up to the end of the session and find ourselves kind of blocked up here, and things have been postponed until now. Of course, it is the appropriations bills that always end up in this category. We have 13 of them to pass in order to keep the Government going. The fiscal year expired at the end of September, of course. We have extended our time and will do it into next week again.

One of the important roles of Congress is this allocation of funding. It is one that is very important and really needs to be given all the attention we can give it. I think we ought to move as quickly as we can to do that job. I hope we don't end up with huge omnibus bills at the end of the session. They are so large that people don't know what is in them. I would rather we deal with them individually as much as possible. Let me say that one of the things we ought to consider, which I have supported since I have been in the Congress—and from my experience in the Wyoming Legislature—is I think we ought to have a 2-year budgeting arrangement, which would alleviate this sort of thing every year. Nevertheless, we are not there.

However, we need to move forward. When we are ready with the appropriations bills, we ought to do that. I favor the bill being talked about here. I think it is a good bill. I don't know why it wasn't brought up earlier in the week when we were sitting here and didn't have anything before us. Now we are down to the last hours of this week and we bring up something that stops the opportunity for us to pass legislation regarding appropriations. I think that is unfortunate. In any event, we ought to be doing that.

Obviously, one of the difficulties with appropriations has been this idea of attaching to them the kinds of things that are not within the appropriations process because it is the end of the session, and because they have not been handled, or some refused to handle them earlier. That was wrong, in my opinion. I hope we consider a rule that would make that more difficult.

ENERGY POLICY

Regarding energy, we ought to talk about that. We ought to talk, more importantly, about where we want to be, and what we think the role of the domestic energy program ought to be to achieve what we consider to be our goal. I have become more and more aware of the importance of that sort of thing in all the legislation that we address. Really, it became clear to me when we were talking about re-regulation of electricity. We got wrapped up in all the different kinds of details that necessarily go into it, but really I don't think we had a clear vision of where we wanted to be when we were through. We didn't have a clear vision of our goal.

To a large extent, I think that is the case with energy. We have high prices, for gasoline, for natural gas, and we are going to have higher electricity and heating oil prices, and so on. Of course, that is the problem we see, but what do we see as the solution? I think certainly these high prices ought not to be a big surprise. This administration hasn't had an energy policy. We were very happy when oil was $10 a barrel. When it gets up to $35 a barrel, we are very unhappy, and I understand that. I don't recommend that, either.

We ought to have intermediate pricing. You don't do that without an energy policy. We have lacked a domestic energy policy that keeps us from being entirely dependent and subservient to OPEC and the foreign oil producers. We have allowed ourselves to do that.

It is not new that we don't have one. The Clinton administration has relied on short-term fixes. The most current one was to release crude oil from the Strategic Petroleum Reserve, which was 30 million barrels, and I don't suppose that will change the world. That is a short-term kind of reaction, not a long-term solution to where we are going. That has been the latest short-term fix.

I agree with increasing funding for Low-Income Housing Energy Assistance, and other short-term fixes. Those are good, and they have to be done because of where we are. But the fact is, if we are going to get out of that over time, then we have to do something different. We have to take a look at EPA's regulations that have had the effect of shutting down coal-fired powerplants in the Midwest. We have more coal resources probably than most anything. We can do more about the difficulties that have happened in the past. We have done a great deal because coal is now a clean source, but this administration has made it more and more difficult for that to happen. The fact that coal supplies 56 percent of the Nation's electric energy is very important, of course.

I have a personal feeling about it because our State is the highest producer of low sulfur coal. We have had 36 refineries shut down since 1992. No new ones have been built since 1996, largely because the EPA pressed for continuing restrictions that make it much more difficult. This administration—particularly the Vice President—calls for green alternatives. I don't know of anybody who opposes that idea. Green alternatives, right now, provide about 2 percent of our energy needs. It is going to be a very long time before solar or wind energy moves in to do that. So that can't be our short-term/long-term policy.

There are a lot of things that can be done and we are moving to try to do that. It has to do with domestic energy policy which would help increase domestic production so that we are not totally subject to the whims of OPEC. Since 1992, our oil production in this country has gone down 17 percent. Consumption has gone up 14 percent. Part of that is in States such as Wyoming in the West, where 50 percent of the State is owned by the Federal Government. Those areas of Federal land—not all—are for multiple use.

We found this administration making it much more difficult for exploration and production to take place for the multiple use of public lands. That is not a good idea. U.S. jobs were involved in the exploring and producing. We used to have 400,000 of those jobs. Now it is less than 300,000, which is a 27-percent decline. These imports are rapidly growing—up 56 percent now—and we need to move forward with that.

This is really an issue we can do something about. We need to do something about it. I could go over a lot of things this administration has brought about that have helped to create the energy crisis we are in now. I am urging that we look at some of the things that are available to us and that we can do to reach the goal we want in order to be more self-reliant for our energy. We can do something about consumption, too, and I have no problem about that. However, that is not a short-term problem. A short-term problem is going to be the price to farmers, ranchers, truckers, and to people who use oil particularly for heating in the wintertime.

Certainly we are not going to be able to solve this problem in the next few days. I hope we can move forward with our appropriations process, which is obviously before us now. I do think we ought to be giving a great deal of thought to establishing a domestic energy policy that will, in fact, help level out our dependency on foreign oil and be good for this economy and good for American citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I await the return of the Senator from Alaska, who I believe would like to object to a unanimous consent agreement I may seek.

If the Senator from Connecticut is waiting, perhaps we can extend morning business for a few minutes.

The PRESIDING OFFICER. Morning business has been extended.

Mr. DODD. Mr. President, Senator STEVENS and I will have a joint statement on an unrelated matter.

Mr. REID. Mr. President, if my friend from Connecticut will yield, morning business has been extended until 11:15, with time evenly divided between Senator STEVENS and Senator DODD. I think everybody will get their wish, because Senator STEVENS will be here momentarily to make a statement and,

following Senator STEVENS, Senator DODD will make a statement.

Mr. MCCAIN. I apologize to the Chair. I thought when I left the floor that morning business had expired at 11 a.m.

I will await 11:15.

Mr. DODD. Mr. President, I know my colleague from Alaska is going to come here shortly to share some thoughts and comments with me this morning. I will begin in order to move things along.

GIFT TO THE LIBRARY OF CONGRESS

Mr. DODD. Mr. President, I rise—and will be joined by my friend and colleague from Alaska—to speak about a remarkable gift that was made to our wonderful country yesterday.

Yesterday, it was announced that the Library of Congress—the greatest library in the world—would receive the single largest gift in its history—$60 million—to promote scholarly excellence. Like a university, the center will have endowed chairs in a number of fields.

The remarkable gift by a remarkable person will also establish a $1 million annual prize for lifetime achievement in scholarly endeavors.

The gift has been made by a wonderful man whom I have known for many years and for whom I have great admiration, John Kluge. He is also a very good friend of the Senator from Alaska.

John Kluge immigrated to our shores from Germany nearly eight decades ago.

He began his working life selling shoes, clothes, and stationery, and moved up from there to become one of our nation's most successful businessmen. Like many others whose lives followed a similar path, Mr. Kluge has decided to give something back to the country that has given him so much over his years of living in this Nation. His remarkable gift of $60 million will benefit all Americans by raising standards of scholarly excellence, and blazing new paths of knowledge in areas of science, the humanities, and the social sciences.

It will also, in my view, be immensely beneficial to our institutions of government. Those of us who serve in those institutions will have the benefit of the fresh, bold thinking that men and women of scholarly achievement can bring to the most pressing challenges that we face as a nation. Hopefully, this gift will contribute to making our nation even more prosperous and just in the years to come.

Perhaps most importantly, however, this gift stands as testimony to the unique and ongoing promise of America. Every day, we are reminded by events large and small that this is an extraordinary country. Our is a country that—despite its problems—offers individuals a level of freedom, equality, and dignity unsurpassed anywhere else on the planet, or indeed, in the history of the world. That is why people risk their lives to come to our shores.

That is why we are the inspiration for people who in fact yesterday rose up against tyranny—the people of Yugoslavia—on the shores of the Balkans.

The extraordinarily generous gift given yesterday by Mr. Kluge to the Library of Congress reminds all Americans that ours is a land of limitless possibility—a land where even the most humble can go on to achieve great success. And it is a gift that reminds each one of us that, in our own way, we have an opportunity and an obligation to give back to the country that has given us so much. Because more than anything else, America is the sum of the acts of selfless patriotism of its people. Any time we are reminded of that fact, my colleagues, we receive a gift whose value far exceeds its monetary sum.

John Kluge gave such a gift yesterday, as he has on countless other occasions.

In addition to this remarkable gift which John Kluge gave to the Library of Congress, he has helped raise $48 million in private funds for the Library on previous occasions to establish an electronic enterprise, the National Digital Library, with which my colleague from Alaska has been deeply involved. Congress appropriated an additional $15 million for that program.

Over the years, he has given $13 million of his own money to the Library, including $5 million to kick start the digital library.

John Kluge was the major contributor who orchestrated the wonderful 200th celebration of the Library of Congress.

He has given millions of dollars to other wonderful causes, universities, and other worthwhile enterprises.

I have known John Kluge for years and years. He was a wonderful friend of my parents. I have spent an awful lot of time with him over a number of years, particularly in the last number of months. He truly is a great American, truly a great patriot, and his wonderful contribution is going to make the Library of Congress an even greater institution in the years to come than it has been.

I wanted to take a minute to express the gratitude of all of us, my constituents, and all Americans to John Kluge for his remarkable contribution to our Nation.

Mr. STEVENS. Mr. President, yesterday, as chairman of the Joint Committee on the Library of Congress, it was my privilege to join Vice Chairman BILL THOMAS and Dr. James Billington out by our Ohio Clock to announce the largest gift in the history of our Library in 200 years. There has never been a greater gift to the Library of Congress.

As the Senator from Connecticut has said, John W. Kluge is a marvelous individual who is renowned in the international corporate community as one of the Library's staunchest supporters and most devoted people to the Madison Council. As a matter of fact, he was the founder of the Madison Council. He has now given the Library a gift of another $60 million.

Mr. Kluge's leadership in the Madison Council has enabled the Library to raise a total of $222 million in private donations for the Library over the last 10 years. His contributions alone amount to $73 million.

Yesterday's gift of $60 million will establish The John W. Kluge Center and Prize in the Human Sciences which will endow 5 scholarly chairs, and fellows, and will recognize areas of study not currently covered by the Noble prize structure. The Center will endow chairs in areas such as American law and government, American cultures and societies, technology and society, and modern culture. The Librarian will make the appointments in consultation with the Library's Scholars Council, and the first chairs will be awarded in 2001.

The Kluge Prize in the Human Sciences will include areas of study not covered by the Nobel Prize, including areas such as history, anthropology, sociology, literary and artistic criticism. Strangely enough, I had been discussing with one of my esteemed friends a similar type of approach to cover areas not covered by our Nobel Prize process. The prize will be a cash award of $1 million.

In addition, the award ceremony will recognize a lifetime of achievement in the Intellectual Arts, just as the Kennedy Center Honors recognize lifetime achievement in the performing arts. As Dr. Billington noted, ''the Kluge Center will help bridge the divide between the academic and political worlds, between knowledge and power.'' He summed up the need for the Center best when he said, ''We need broader and deeper exchanges; to make time for greater contemplation, what Milton called 'wisdom's best nurse'.''

I speak for all of the Joint Committee members in saying that we are deeply grateful for the support the Library has received from Mr. Kluge, and the private sector under Dr. Billington's leadership. Over this past year, and in celebration of the Library's Bicentennial, the private sector has supported hundreds of activities. With Mr. Kluge's extraordinary gift of $60 million, the total amount of gifts and donations to the Library during its bicentennial year from the private sector, particularly the Madison Council, totals $106 million.

On behalf of the Joint Committee on the Library, I extend Congress' deepest thanks to John Kluge, and all of the members of the Madison Council. Their generosity has been outstanding. It has helped to make possible the digital initiatives at the Library, and has added priceless collections over the past 10 years. The nation owes Mr. Kluge a debt of gratitude for his generous support. I ask that a copy of the remarks

that Mr. Kluge made regarding his gift be included in the RECORD as well as an article that appeared in the New York Times. It is my hope that Members will read his remarks. They are significant. I ask unanimous consent that a copy of his remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN KLUGE'S REMARKS AT THE TEA HOSTED BY SENATOR TED STEVENS

Thank you, Dr. Billington.

I have known the Librarian of Congress, Jim Billington, for ten years and during that time, my admiration for him and faith in him as the head of our national library have multiplied many times over. Dr. Billington came to the Library with a great vision of what the Library could be and should be in our new global society. He knew that the vast knowledge contained in the Library, if made available to all, could enrich and enlighten the lives of people everywhere. He knew that the Library of Congress is something that every American can be deeply proud of—a symbol of our open democratic society; and a visible promise from our lawmakers that whatever information is available to them is also freely available to everyone. And he knew that visitors to the Library would come away inspired by it and proud that the most beautiful building in Washington, perhaps in the country, is a library. It has been a privilege for all of us on the Madison Council to join with the Congress in helping the librarian fulfill his vision.

We have seen the Library transformed—from a great, but under-used and little known federal institution, to an open and universally accessible resource for students, scholars and learners everywhere. This exciting transformation, and my confidence in the Librarian and his talented staff, have led to my decision to endow a center for scholarship and a prize in the human sciences which were just announced. My deepest wish—as a person who came to this country as a child with almost nothing and has enjoyed the freedom to try new things, to take risks and at least sometimes to succeed—is to make a contribution that helps others have the same kind of opportunity. I hope that the scholars who come to this center to grapple with some of the most important issues of our time and future times, will have the same wish—to use their talents and brains to better the world.

Thank you Madison Council members for making the Library a priority in your lives. Your dedication over the past ten years has paid off richly for a great American institution and for the nation.

Mr. STEVENS. He made those remarks at the time he announced this award yesterday in our presence in the Mansfield Room in the Senate.

I also ask unanimous consent an article from the New York Times pertaining to this gift be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Oct. 5, 2000]

$60 MILLION GIFT IS MADE TO LIBRARY OF CONGRESS

(By Francis X. Clines)

WASHINGTON, OCT. 4.—The Library of Congress has just received the largest single donation in its history, $60 million, and Dr. James H. Billington, the librarian, is eagerly preparing to spend it repairing relations between ''the thinkers and the doers,'' between a resident panel of visiting senior scholars he plans for the library and the politicians across the street in the Capitol.

''These two worlds just kind of fell apart in the 60's and haven't really come back together again,'' Dr. Billington said as he explained his new program for the ultimate mix in political town and academic gown.

He plans rotating far-flung scholars to Washington to pursue fresh research and play a ''catalytic'' intellectual role for Congress, the primary user of the national library.

Beginning next year, the program will endow eight senior chairs plus a dozen fellowships for younger scholars. And most prominently, it will create a $1 million prize for intellectual excellence in the human sciences, a field that Dr. Billington feels is neglected by the Nobel prizes.

''We're trying to celebrate and facilitate not just the life of the mind, but also the role of the life of the mind in the life of the republic,'' he said of the new scholar center, which will be named after its benefactor, John W. Kluge.

A billionaire entrepreneur and philanthropist, Mr. Kluge heads the library's Madison Council, which has been enlisting advisers and donors from the private sector for the past decade. After helping the library raise about $160 million in the last 10 years from others, Mr. Kluge, now 85 and chairman of the Metromedia International telecommunications and entertainment company, has donated $60 million to it himself.

Based around the great hall in the library's newly refurbished Jefferson building, the center—which will be formally announced on Thursday—is to set aside suites of offices and meeting rooms for the scholars and lawmakers. The hope is they will intermingle for whatever discussions they please about ideas large or small, pressing or serendipitous.

''You can't legislate or buy depth but we're making some probes,'' said Dr. Billington, a 71-year-old historian and Russian specialist who diplomatically stressed that he has nothing against the capital city's hedgerows of think tanks and flocks of talking heads all now operating in the name of thoughtfulness.

Still, he said, ''a deeper immersion'' and interplay between scholarly ideas and political curiosity is needed. ''There is already a great deal of applied intellect in this city, even if a lot of it is in lobbying and advocacy.''

He vowed to reach out for scholars not usually associated with a Washington intellectual life top-heavy with economists and political scientists.

The initial senior scholars are to be chosen within the next year, with the first Kluge prize for intellectual excellence likely in 2002. Those under consideration will be vetted from assorted disciplines by Dr. Billington and an advisory council of scholars led by his deputy at the library, Dr. Prosser Gifford.

Dr. Billington declined to speculate on choices. But he said the standard would ideally be of the sort set by two scholars he had previously coaxed into serving the library briefly—Vyacheslav Ivanov, the linguist and lecturer on semiotics, and the late philosopher Isaiah Berlin.

The eight specialties to be covered by the senior chairs are broadly defined along the library's separate collections to include the culture and society of the Northern (advanced) and Southern (less developed) Hemispheres; technology's interaction with society, American law and governance; education; international relations; American history and ethics; and modern culture, including the library's formidable collections of music and films.

''What we're trying to do is to make sure you get Greece into Rome,'' said Dr. Billington, the 13th librarian of Congress in the two century-history of the institution.

''What's fascinating is that the link between learning and lawmaking was here from the beginning,'' he said, describing how the first joint committee was created by the founding Congress to run the library.

Scholars have at least as much to gain in the untapped resources of the library as in the interaction with lawmakers, Dr. Billington said. He noted, for example, the thousands of unread copyrighted novels in the library's archive of more than 120 million items.

''I tell my friends in academia that instead of deconstructing novels that everybody used to enjoy before you started writing about them, how about coming down and discovering the unpublished novels that nobody has read,'' he wryly added.

''There is no magic bullet for interacting doers and thinkers,'' he conceded, but he expressed faith in the idea of simply bringing ''some of the scholars scattered all over the country directly into the library'' that members of Congress use—''people who already have a life of scholarly accomplishment but who might be capable of distilling some wisdom in roaming across the rich variety of things at the library.''

Reviewing the institution's virtues, he cited its several hundred book cataloguers as rich foragers. ''They're my hidden heroes,'' he said.

''It's going to be additive, it's going to be catalytic,'' Dr. Billington insisted. ''It's not a little empire, or a university or a new think tank.''

''It's going to have an ever changing group of people,'' he added, with most of them staying for a year or so. ''It will work in that way America does things best—not with a giant prefixed plan that you sit around and debate in the abstract, but by working on the human elements and hoping that things will jell.''

Mr. STEVENS. One of the interesting things about John Kluge's remarks was when he referred to himself as a young boy who came to this country at the age of 8 as an immigrant and he had one possession. It was a small Dresden figurine; it was a horse. That is all he owned when he came to this country.

Today, as Senator DODD has said, through the process of freedom in this country and his basic knowledge as a human being, he is one of the richest men in the world. I think to be in the man's presence is an honor. He is one of the great people of this country.

Yesterday, after I attended this ceremony and was going back on the subway, one of the operators of the subway noticed I was smiling. That is strange around this place, as people know. I said: Yes, I've just been to a delightful

ceremony. I told him that this man came to this country as an immigrant boy of 8 with one little possession, that he still has, had amassed this great fortune, and he had just given the Library of Congress $60 million.

The driver of the subway said: He came here with nothing? I said: That is right. And he has just given this great gift to the Library? And I said: That is right. And he said: That man is truly blessed.

That is my feeling about John Kluge. He is a truly blessed man.

Mr. DODD. I thank my colleague for his wonderful comments about John Kluge.

Mr. President, I ask unanimous consent to proceed for 5 minutes in morning business.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

VICE PRESIDENTIAL DEBATE

Mr. DODD. Mr. President, I went to Danville, KY, last evening, and I thought both JOE LIEBERMAN and DICK CHENEY did an admirable job in presenting their respective points of view during the Vice Presidential debate.

It will be understandable if I express a certain amount of parochial pride in the performance of my colleague and friend from Connecticut, JOE LIEBERMAN, who I thought did a magnificent job in laying out in civil, polite, and in a courteous way, the differences between the two teams, the two parties, and the candidates for the Presidency of the United States of America.

I think all Americans benefited last night as a result of the very eloquent, precise, thoughtful, and clear presentations. So it seems fitting for me to take a minute to commend them both, particularly my colleague from Connecticut. When young people around the country are thinking about politics and wonder whether good examples are out there, it is my hope that they might be shown by their history teachers, the Vice Presidential debate of the year 2000. Indeed, it was a wonderful example of how people of significant differences of opinion and points of view can have a worthwhile, informative discussion and debate of critical issues that face the future of our Nation.

I commend both, particularly my good friend and colleague from Connecticut. There is a collective sense of pride over the junior Senator from Connecticut. I may not call him ''junior'' Senator much longer, but I want to tell my colleagues how very proud I was of his performance.

WORK REMAINS

Mr. DODD. I want to say briefly before the time runs out, I have great admiration for the work Senator STEVENS has done as chairman of the Appropriations Committee. It is a tough job. We all know how hard he works and how hard he tries to work out the differences in the spending bills. I have great respect for him and the work he has done as chairman of that committee.

That said, I also would be remiss if I did not mention that there are several important matters, generally speaking, that we have not addressed. We are about to wrap up, to finish over the next few days, with maybe one or two votes left, I am told.

I am saddened that, despite the efforts of Senator STEVENS, the leaders, and others, the Senate has thus far failed to act on several other important matters, including the 39 million seniors who will go without prescription drug benefits under Medicare. That is a great loss. We could have done it this year, and we didn't.

More than 11 million working families will not get the benefit of an increase in the minimum wage. That is a great loss for those people. Mr. President, 53 million children go to school every day in this country, and for the first time in 35 years we were not able to pass the Elementary and Secondary Education Act to try to improve the quality of schools, reduce class sizes, and come up with good afterschool programs.

So, 53 million children lose, 11 million working people don't get an increase in the minimum wage, and 39 million seniors fail to get prescription drug benefits. I think it is a sad day indeed. We could have passed these measures, and we didn't. I am deeply saddened by it, as I think the American people are as well.

While I commend Senator STEVENS and members of the Appropriations Committee, including my colleague from Nevada, HARRY REID, and the distinguished Senator from West Virginia, Mr. BYRD, who have worked tirelessly to get the appropriations work done, the fact of the matter is, a great deal of America's business has gone unattended.

Mr. President, I regret that the leadership of this Congress has failed thus far to act on these and other crucial priorities. If we can find two weeks to debate renaming National Airport, if we can spend many days debating whether to provide estate tax relief to the 44,000 most affluent Americans, then I would hope that in these waning days of this Congress we could find the time to consider the needs of America's children, seniors, and working families.

I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 3059

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I come back to try to resolve this issue. Before I ask for another unanimous consent agreement with some different language, I ask unanimous consent to have printed in the RECORD a letter from the Secretary of Transportation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, October 6, 2000.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to reiterate my views regarding the penalty structure for Department of Transportation regulatory agencies such as the National Highway Traffic Safety Administration (NHTSA). I expressed these views in testimony on the Firestone tire recall before the full committee on September 12, 2000.

The Administration supports a three-tiered approach to the enforcement of health and safety statutes: (1) administrative penalties; (2) judicially enforced civil penalties; and (3) in the case of egregious circumstances, criminal penalties for those who knowingly and willfully violate the law. We welcome the opportunity to work with the Congress to properly structure this approach.

Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation that the Congress can approve and the President can sign into law.

Sincerely,

RODNEY E. SLATER.

Mr. MCCAIN. I will read a portion of the letter:

I would like to take this opportunity to reiterate my views regarding the penalty structure for Department of Transportation regulatory agencies such as the National Highway Traffic Safety Administration (NHTSA). I expressed these views in testimony on the Firestone tire recall before the full committee on September 12, 2000.

and the last paragraph:

Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation that the Congress can approve and the President can sign into law.

I repeat for my colleagues what the Secretary of Transportation says:

Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

This legislation passed through the committee with the help of the chairman of the Appropriations Committee, a member of that committee, a valued member of that committee. This legislation passed through the Commerce Committee with the support of the majority leader of the Senate, a valued member of that committee.

Although I don't agree with the Transportation appropriations bill, I am not interested in blocking it. I am interested in trying to get action on this legislation before Congress adjourns.

I ask the Senator from Alaska if it would be acceptable if I modified the unanimous consent agreement to say that the majority leader, after consultation with the Democrat leader, would set a specific time and date for this legislation to be considered, and

only relevant amendments to the bill be in order of S. 3059.

It seems to me we could then achieve the goal of having a time and date where we could address this issue, we could move forward with the important appropriations bill, which understandably the Senator from Alaska has as his highest priority, which is also understandable given the fact that he is the chairman of the Appropriations Committee.

I ask the Senator from Alaska if he would consider—and I will ask now—I ask unanimous consent that the majority leader, after consultation with the Democrat leader, could set a specific time and date for the consideration to S. 3059 and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, it is my understanding that there is a process underway right now to see if it is possible to get such an agreement that the Senator from Arizona mentioned.

I have inquired, since the last exchange we had on the floor—and I am a person who has voted for this bill in committee, but the problem is there are objections on both sides of the aisle, I am informed, to a unanimous consent agreement which would be necessary to carry out the Senator's current unanimous consent agreement.

The difficulty is, there are some Members who are not members of the committee, our Commerce Committee, who have not had time to study that. They have informed the staff on both sides of the Senate, both Democratic and Republican, as I understand, that there are reservations. I cannot call them holds because they have not seen the bill yet; that is, as I understand it, the bill will come over from the House. It will be the House bill we would consider. It is just a very difficult position for me to be in, but as a representative of the leadership in this matter right now, I am constrained to say I am forced to object to the bill I support. I do object to that request.

I urge the Senator from Arizona to be part of this process of trying to clear that bill. I will join him. I have been trying to work on that since our last exchange, to see if we can clear bringing up that bill. But there are reservations on both sides of the aisle to that bill, and I am constrained to be in the position, and I am in the position, to say: I object to the request of the Senator.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. REID. Will the Senator yield so I can make a statement?

Mr. MCCAIN. Before the Senator from Alaska leaves the floor, I would like to respond.

Mr. REID. I wanted to respond before he leaves also. I will just take a brief moment.

I say to my friend from Alaska, we are not objecting to this request.

Mr. STEVENS. Yes, you are. We had a statement you are objecting.

Mr. MCCAIN. Claiming the floor, it is clear on that side of the aisle there is no objection to this unanimous consent request.

I don't understand the comment of the Senator from Alaska about nobody has read the bill and no one understands the bill. We passed it 2 weeks ago out of the committee, No. 1. No. 2, this is not a low visibility issue. No. 3, we want to pass this bill through the Senate. The House will be passing the bill and we will go through the normal procedures.

I want to say again to the Senator from Alaska, on an issue of this importance—he said Members on both sides have reservations or objections; clearly, it is on this side of the aisle—come down with relevant amendments. We can reach time agreements and go through the normal process. But to block consideration at any time between now and when we leave is a clear message, I say in all due respect to the Senator from Alaska, that there is an intention to block consideration of the passage of this bill.

I can understand the objection of the Senator from Alaska to me holding up the consideration of the Transportation appropriations bill. I can fully understand that. I cannot understand why the leadership would not agree to taking up this bill with relevant amendments sometime between now and when we go out.

So, with all due respect to the Senator from Alaska, I don't get it. I do not understand why, when there is no objection on the other side of the aisle.

Mr. STEVENS. No, no; if the Senator will yield, Mr. President, I will state categorically I am informed there is an objection on the other side of the aisle.

Mr. REID. Mr. President, I respectfully say there is no objection on this side of the aisle.

Mr. MCCAIN. With all due respect to the Senator from Alaska, you have to respect the statement of the leader of the other side of the aisle.

Mr. REID. The Senator from Arizona made a unanimous consent request.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I ask unanimous consent to yield to the Senator from Nevada for a statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. The Senator from Arizona made a request, a unanimous consent request, to move forward with relevant amendments. We have no objection.

Mr. MCCAIN. I think it is abundantly clear, I say to the Senator from Alaska, there is no objection to moving forward on that side of the aisle. The problem is on this side of the aisle.

Why in the world can't we come to an agreement, when the Secretary of Transportation says:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

We are talking about a life-threatening situation here.

So all I can say is it is clear the problem seems to be on this side of the aisle. I am asking the Senator from Alaska, who represents the leadership, to agree to this unanimous consent request, which I think is eminently reasonable. So I guess, Mr. President, I will ask again, if I could get the attention of the Senator from Alaska, since it is clear there is no objection to this unanimous consent request from the other side of the aisle—and I am not trying to impede the progress of the Transportation appropriations bill. We are only trying to get addressed the issue that there are life-threatening motor vehicle safety defects—if we at least could have some agreement. If there are objections to the legislation, then those objections, it seems to me, could be articulated in the form of relevant amendments.

So, again, I don't understand the explanation of the Senator from Alaska. The bill was passed 2 weeks ago. This is a very high visibility issue. We would take it up and pass it. The House is going to pass this legislation next Tuesday, according to all news reports. We could pass it, go to conference, and get this legislation to the President of the United States unless it is blocked on this side of the aisle—on this side of the aisle. This is a bill that passed 20–0 with the support of the majority leader, with the support of the chairman of the Appropriations Committee.

Mr. THOMAS. Will the Senator yield for a question?

Mr. MCCAIN. I am glad to yield.

Mr. THOMAS. This passed 2 weeks ago, Senator. Why hasn't it come up before this and not at the very end?

Mr. MCCAIN. I have been urging it, I respond to my colleague. Since the day after we passed it, I have been begging the leadership every day to bring up this bill for consideration. This has been blocked.

Mr. THOMAS. I thank the Senator.

Mr. MCCAIN. I appreciate the question of the Senator from Wyoming because we have been trying to do everything we can to bring this bill up. That is why—because I have been stymied in these efforts—I had to come to the floor this morning to try to force some action on it since there was no response from our leadership, on this side, because of holds on the bill and objections to it.

I again ask unanimous consent that the majority leader, in consultation with the Democratic leader, establish a specific time and date for consideration of S. 3059, and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Reserving my right to object, I ask the Senator through the Chair a question. Is that a unanimous consent agreement that involves

bringing the bill before the Senate without the ability of any Member of the Senate to object at that time to its consideration?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. As I understand it, the Senator is saying he would like to have the Senate agree that the two leaders can bring a bill before the Senate for consideration that has not yet been passed by the House, and no Member would be able to object to consideration at that time.

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Could I respond quickly to the Senator from Alaska? This is not a House bill; this is a Senate bill I am asking to have considered on the floor of the Senate as we regularly do with legislation in the Senate.

Mr. STEVENS. I apologize, Mr. President. From the prior conversation, I understood the House had brought its bill out of committee. I understood we were going to await that bill.

In any event, I want to say it again, as one who has voted for the bill, I am in the position of representing the leader.

Mr. President, I sought to become leader of the Senate once. I lost by two votes. I understand what it means not to be leader, but I also understand what it means to be leader. The leader has asked me to object on his behalf, and I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Arizona.

Mr. MCCAIN. Could I just say again, and I want to clarify for the benefit of the Senator from Alaska, this is a Senate bill. It was passed through the Commerce Committee by a vote of 20–0. Yesterday, the House, by a vote of 42–0, passed through their committee similar legislation, although not the same legislation. They announced they would be passing their legislation next Tuesday.

What I am seeking is for us to be able to pass the Senate bill and go to conference, as is normal.

I should not do this, but I want to make another commitment to the Senator from Alaska because of the time constraints, and that is, if there are 50 relevant amendments filed and it looks as if the bill is going to be filibustered to death and we are not going to be able to pass it, then I will ask that the legislation be withdrawn at that time because I understand the time constraints under which the chairman of the Appropriations Committee is operating.

All I am asking is it be brought up with relevant amendments, as it will be passed by the House next Tuesday, and conferees will be appointed, as is normal, and we will go to conference and report out legislation hopefully that can be passed before we go out of session.

I say again to the Senator from Alaska, one, we passed it 2 weeks ago; two, the House has acted in their committee, and they will be passing the bill next Tuesday. Right now we have no assurance of any kind that we can in any way take up this bill at any time. So when the Senator from Alaska objects on behalf of the leadership to consideration at any time that would be in keeping with the majority leader's schedule, then it is clear the effect is to kill the legislation, and we are talking about, as the Secretary of Transportation says, ''Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.''

I ask the chairman of the Appropriations Committee if he will do the following: If we can just go into a quorum call for 10 minutes and see if the leadership will allow this unanimous consent request to move forward. I am not interested in embarrassing the leadership. In fact, I am interested in not embarrassing the leadership because if there is no objection on the other side of the aisle and there is an objection on this side of the aisle to taking up the legislation at any time, that is really not good. That is not a good thing to happen. I speak as a Member on this side of the aisle. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed in morning business to speak about Yugoslavia for up to 10 minutes. If that causes problems for anyone, I will withhold.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Mr. President, to assure everyone, if the conference report comes over, I will immediately cease and desist so we can proceed with the regular business of the Senate.

REVOLUTION IN SERBIA

Mr. BIDEN. Mr. President, we have had many debates on the floor of the Senate, genuinely heartfelt debates about the role of the United States of America in the world and the use of American force in the world.

We have had a split in this body between the parties, and within the parties, about whether or not it is appropriate for the United States to take a leadership role in Europe, including, on occasion, the use of force to promote our national interest and that of our allies.

There are several political cancers that exist in various parts of the world. And the one remaining cancer on the continent of Europe—the primary one—is Slobodan Milosevic.

I suggest that we all take a lesson from what is going on now in the Federal Republic of Yugoslavia—in Serbia. Many of us, Democrat and Republican, have argued—myself; Senator MCCAIN; Senator LIEBERMAN; Senator Dole, when he was here—that the United States had an obligation, in its own self-interest and in the interest of our allies, and in the interest of humanity, to intervene, to stop the genocide and the ethnic cleansing that was being perpetrated by Slobodan Milosevic's vile nationalism.

I have been arguing for some time now that, absent our involvement in that region of the world, there would be chaos in, if not the heart, then the belly of Europe, and that if we acted with dispatch—swiftly and with resolve, and a willingness not to back away—Slobodan Milosevic, as with most thugs, would be stopped and would be eliminated.

Some have said on this floor, and some will say in the various Presidential and Senatorial and House campaigns that are going on, that we did not have an exit strategy when we committed American forces in Kosovo or American forces in Bosnia. Some will say that we have not succeeded because all is not tranquil, and if we were to withdraw American forces, things would revert to the chaos that existed before, and that this serves as proof that what we had done had not worked. The press and others declared early on in the bombing campaign in Kosovo—3 days into the 70-some day campaign—that it was a failure.

I am told, time and again, by some of my colleagues on the floor and I have read some pundits who state that, in fact, the American people are not patient, that they want instant results.

I say this. The end of Slobodan Milosevic is evidence of a number of things. One, our involvement was not only positive and good and successful, it was absolutely necessary. Without the leadership of the United States of America, I respectfully suggest our European allies would not have been as aggressive, they would not have been as united, and they would not have been as resolved.

Second, I hope we take a lesson from this as well to demonstrate that the American people have a great deal more patience and wisdom than we give them credit for. I have not heard, nor have I heard anyone else tell me that, while they have been home in the last 4 years, they have been told, as they walked from the grocery store, or to the drugstore, or home, that it is urgent we withdraw American forces from the Balkans.

Quite frankly, the opposite has occurred. The American people intuitively knew this was a place where wars have started before, this was a place where if chaos reigned it could not be contained, this was a place where a man such as Slobodan Milosevic could do nothing but ultimately harm the interest of Europe

and the United States. They were resolved, and they are resolved, to keep American forces in that area to maintain the peace and security of the region, along with our allies.

I might add, parenthetically, that we make up only, roughly, 7,000 of the nearly 41,000 troops that are in Kosovo, and that, in fact, we are doing the Lord's work there. It is kind of interesting that, in the six or seven trips I have made to the region—the last one being a trip to Kosovo—after I came back I remember having discussions here on the floor, and I would hear about how down the morale was of the American forces and how circumspect they were about whether we should be involved.

That is not what I found, whether it was at Camp McGovern in Bosnia several years ago or at Camp Bondsteel in Kosovo last year. What I found was that these young women and men knew exactly why they were there. They knew why they were there. They did not have to be told. And they felt good about it. They knew they were doing the Lord's work. They understood. They understood there was a purpose and meaning for being there. All they had to do was ride through the streets and they understood it. It is interesting that the retention rate and reenlistment rate is higher for those who have been in Kosovo or Bosnia than for any other segment of the military.

So I would argue that what is happening in Yugoslavia now is making a lie of some of the assertions that were taken for granted around this place by a majority of the people on the floor, as well as a majority of the press, as well as a majority of the people who are so-called pundits.

This is the point I want to make.

We should not now, at this moment, change policy. Slobodan Milosevic is a war criminal. We should not, as former Secretary Eagleburger—a man for whom I have great respect—said yesterday on television, accommodate his departure from Serbia by winking and nodding and essentially letting him off the hook on the War Crimes Tribunal. We should not do that.

The newly elected President of Serbia, Vojislav Kostunica, is a lot of things that are good. But his record shows that he is also a fierce nationalist.

We should lift sanctions, but only when Milosevic goes. But again, just a word of caution, we should not lift all sanctions until we are clear that the new leadership in Serbia, in Belgrade, will honor the Dayton accords and will not use force in Kosovo. This is no time to relent. None—none—of us should relent now.

We have been right so far. A steady course, firm hand, U.S. power, U.S. leadership, and U.S. resolve have brought us this far. Without it, none of what has happened would be, in fact, what the history books will write about 2, 5, 10, and 20 years from now. History will record that what we did was the right thing to do from a moral standpoint, and, even more importantly, in a Machiavellian sense, right for the national interests of the United States, and essential for any prospect of long-term peace and security in Europe.

I said a week ago that Milosevic could not be sustained, no matter what he did from this point on. The tides of history have moved. We saw it some years ago in Bulgaria. We saw it in Romania. We saw it occur again in Croatia. We saw it again in Bosnia. And we now see it in Serbia. For the first time in modern European history, there is a prospect—a serious prospect—that the Balkans will be integrated into Europe as a whole.

I can think of no more significant foreign policy initiative that this Government has taken since the Berlin Wall came down that has been so clearly vindicated—so clearly vindicated. So now is not the time to take an easy road out. Lift sanctions partially, make it clear to the Serbian people that we love them—our fight was never with them; they are a noble people—but I think we should have a steady hand. We are prevailing. The West is prevailing. Yugoslavia, in particular—most people refer to it as Serbia—is about to come into the light of day. We must not now send the wrong signal and let people in Serbia conclude that there is not a price to pay for those who violate, in a massive way, the human rights of their fellow citizens and that we expect the new government to behave in a way consistent with international norms.

I thank the Chair and I yield the floor.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. MCCAIN. I ask unanimous consent that the majority leader, in consultation with the Democratic leader, set a time and date for consideration of S. 3059, and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER (Mr. THOMAS). Is there objection?

Mr. LOTT. Mr. President, reserving the right to object, I have been involved in other meetings this morning, and I have not heard the discussion. I have not had an opportunity to see the level of disagreement on this. Let me just say to Senator MCCAIN —and we just talked about it—I don't have a personal problem with this. But give me a little time to make sure that all of our people know to what we are about to agree. Hopefully, within the next few minutes he can offer that again. I will object at this point, but if he will withhold, because I understand there may be more objections, I will check that out.

Mr. MCCAIN. Mr. President, I withdraw my unanimous consent request. I also assure the majority leader that if it appears as if there is going to be an avalanche of relevant amendments to which we cannot get time agreements, then I am not interested in tying up the entire Senate on that legislation. But I do believe that it is important that we take it up, obviously. I am grateful the other side doesn't object to the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, when the conference report arrives, I will terminate my comments.

THE SAFETY AND HEALTH OF AMERICA'S CHILDREN

Mr. FRIST. Amidst all of the proposals and discussions and objections and debate that has gone on here on the floor, I rise to talk about a bill that has been very positive, which demonstrates the best of what this body is all about—a pulling together and working together across the aisle in a bipartisan way, all with the goal of making others' lives more fulfilling, both in the current generation and in future generations. This week, the U.S. Congress has sent to the President of the United States for his signing a comprehensive bill that very much forms the backbone of efforts to improve the safety and health of America's children.

This bill that has been sent to the President focuses on our children's health, the Children's Health Act of 2000. It was more than a year ago that Senator Jim JEFFORDS and I reached out across the Capitol to Chairman BLILEY and Representative BILIRAKIS to work together in a coordinated way on a whole variety of issues and bills that are critical to children's health and safety. These included such issues as maternal and infant health, day-care safety, pediatric research, pediatric health promotion, and efforts to fight drug abuse and provide mental health services for young people today. I am delighted that both the House and the Senate have passed this bill, that it has been sent to the President, and that we were successful in achieving our goal.

The bill addresses a range of issues. Just to give some flavor of this bill and what it can achieve, what it will achieve, what it does achieve in its language, let me comment on a few.

Day-care safety. Currently, there are more than 13 million children 6 years of age and less who are enrolled in day-care centers. Almost a quarter of a million are in Tennessee. One provision in this bill, the Day-Care Safety Act, recognizes the need to make these settings safer, improving the health and public welfare of children in day care. Parents should simply not be afraid to leave their children in the morning when they drop them off in these day-care settings, fearing that a licensed

day-care facility is not safe over the course of that day. This bill helps ensure that our childcare centers will be safer.

Secondly, children's health. Provisions included in this bill, the Children's Public Health Act of 2000, some of which were introduced July 13 of this past year—that I introduced with Senators JEFFORDS and KENNEDY—address a number of children's health issues, including maternal and pediatric health promotion and research.

Thirdly, traumatic brain injury. Traumatic injuries are the leading cause of death for every age group between 1 and 19 years of age. This bill strengthens the traumatic brain injury programs at the CDC, the National Institutes of Health, and the Health Resources and Services Administration.

Fourth, birth defects: Birth defects are the leading cause of infant mortality and are responsible for about 30 percent of all pediatric admissions.

This bill focuses on maternal and infant health. The legislation establishes a national center for birth defects and developmental disabilities at the CDC, the purpose of which is to collect and analyze and distribute data on birth defects.

Fifth, asthma. The bill combats some of the most common challenges, problems, and public health issues in children today. In terms of asthma, it provides comprehensive asthma services and coordinates a wide range of asthma prevention programs in the Federal Government to address this most common chronic childhood disease.

Mr. President, I am delighted that this bill has passed both of these bodies with this body working together in a bipartisan way.

I understand that we are about ready to begin on the conference report. Therefore, I will terminate my comments at this point, and later in the day, during morning business, will extend my comments on this very important bill.

I yield the floor.

The PRESIDING OFFICER (Mr. FRIST). The majority leader is recognized.

Mr. LOTT. Mr. President, I will continue to work on this with Senator MCCAIN. I understand other Senators are coming to the floor to discuss the issues with him.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

Mr. LOTT. Mr. President, I submit a report of the committee of conference on the bill H.R. 4475 making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 4475, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by all of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The report was printed in the House proceedings of the RECORD of October 5, 2000.)

Mr. SHELBY. Mr. President, what is the pending business? Is there a quorum call?

The PRESIDING OFFICER. The conference report on Transportation is the pending business.

Mr. SHELBY. I urge adoption of the conference report and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HARKIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I further ask unanimous consent that following the completion of the vote, Senator HARKIN be recognized for up to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. Mr. President, I am pleased that the Senate will have the opportunity to consider the conference agreement for the fiscal year 2001 Transportation appropriations bill.

I believe that this bill strikes a funding balance between the modes of transportation, funds critical safety initiatives, reflects the priorities of the overwhelming majorities of both the House and the Senate, and provides adequate flexibility and direction for the Department as it transitions into the next administration.

Mr. President, allow me to take just a few minutes to summarize and highlight a few of the provisions of the conference report that is now before the Senate.

Of the three issues that the administration indicated were critical to it in the safety arena, I'm pleased to report that we're three for three. And, so is the administration. These issues have been negotiated in a fashion and with a spirit of accommodating the interests of the House, the Senate, and the administration. Through some creativity and with an awareness of the specific concerns of all the parties, we have been able to meet everyone more than halfway.

The compromise language on the hours of service regulations in this conference report allows the Department to move forward with the analysis of the docket, issue a supplemental NPRM, and do everything short of issuing the final rule. I think that is a reasonable compromise and one that should provide the incentive for the administration to fully listen and solicit views on all sides of this issue.

As many of you know, I have a concern that NHTSA has ignored calls from consumer groups and critics of the proposes static stability factor rating system in its rush to publish a rollover rating as part of the NCAP program. Notwithstanding that concern, I have been convinced by the distinguished House Chairman, Mr. WOLF, that he believes that NHTSA, in light of our attention to the issue, will now act responsibly in this area.

Accordingly, the conference agreement maintains the Senate requirement to conduct a 9-month study at the National Academy of Sciences. The Academy is directed to investigate the usefulness of the information that NHTSA proposes to provide, the scientific underpinnings of the NHTSA approach, and consideration of whether dynamic testing is preferable to the static stability factor calculation—while simultaneously allowing NHTSA to move forward with its proposal.

This issue deserves all our attention as it evolved because rollovers are among the most deadly of accident types and providing bad information to consumers could well mean more highway fatalities. People have a right to expect that the information that the Federal Government provides is accurate, unbiased, and based on sound testing methodologies. I am pleased that in the conference agreement NHTSA will have to meet that standard, if not in the short term, at least in the long term.

The funding levels keep faith with the recently enacted AIR–21 capital and airport authorizations, and come very close to the President's budget request for FAA operations.

The Highway and Transit accounts are funded at the TEA–21 authorized levels; the Coast Guard, adjusted for some of the capital projects funded in the supplemental, is above the President's requested level for fiscal year 2001; NHTSA is above the President's request once it is adjusted downward for the RABA shift that was a nonstarter with both the House and the Senate.

Amtrak is funded at the President's request and the remaining accounts: Pipeline Safety, the Inspector General, the National Transportation Safety Board are all at or above the President's request.

There is no tenable argument that can be made that there isn't enough money in this bill. The conference agreement includes approximately 14 percent more budget resources than the fiscal year 2000 enacted levels.

In addition, we have tried to reflect and accommodate the priorities of our subcommittee members, full committee members, and the membership of both the House and Senate. We have listened to what our members have requested us to do and accordingly, the negotiated compromise reflects the priority that members have put on highway and transit spending.

There are other issues that have been the subject of some attention—the most notable of which is the .08 blood alcohol content. The Senate bill included a provision which would hold back a portion of highway funds from states which fail to adopt a .08 blood alcohol content standard.

The conference agreement modifies that provision by providing a more graduated, phased-in approach of the highway holdback and more time for states to adopt the .08 standard. I also want to point out that no state incurs the loss of highway funds if they adopt the .08 blood alcohol content standard by 2007. Whatever funds withheld from them starting in 2004 would be returned without penalty under the hold-harmless clause as long as a .08 standard is adopted by 2007. I think this is a reasonable and fair transition to a standard that we know will save lives.

Mr. President, there are a few people I would particularly like to thank before we vote. My ranking members, Senator LAUTENBERG, has been a valued partner in this process during his final year as the ranking member of the Senate Transportation Appropriations Subcommittee. While we have had our disagreements and differences, I have been privileged to work with him and believe this nation's transportation policy have benefitted by the substantial contributions he has made during his tenure in the Senate and on the subcommittee.

Senators STEVENS and BYRD have provided guidance throughout the year, and made a successful bill possible by ensuring an adequate allocation for transportation programs.

My House counterpart, Congressman FRANK WOLF and his staff: John Blazey, Rich Efford, Stephanie Gupta, and Linda Muir, have been particularly accommodating and collegial.

Finally, Mr. President, I want to thank Steve Cortese and Jay Kimmitt of the full committee staff for their invaluable assistance and advice throughout the process.

Mr. President, I urge adoption of the conference report.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Conference Agreement on the Transportation Appropriations Act for Fiscal Year 2001. I have served on the Appropriations Committee for all but 2 years of my 18-year career in the Senate.

For 14 of those years, I have served either as chairman or ranking member of the Transportation Subcommittee. I can say without reservation—and I compliment the chairman of the subcommittee, Senator SHELBY, and the chairman of the Appropriations Committee, Senator STEVENS, for the work they did—that this is the best transportation bill in those 14 years.

The bill makes historic investments in our transportation infrastructure and, simultaneously, takes dramatic steps forward in our efforts to improve safety.

Under this Conference Agreement, funding for highways will total almost $33.4 billion, a 16 percent increase over the Fiscal Year 2000 level. Funding for our nation's mass transit systems will grow by 8.4 percent.

Investment in our nation's airports will grow by an astronomical 69 percent, and funding for the FAA's facilities and equipment account, which makes critical investments in the modernization of our nation's air traffic control infrastructure will grow by 22 percent. The bill also includes substantial growth in the critical accounts that ensure safety in all modes of transportation.

Funding for the Coast Guard's operating budget will grow by 15 percent and funding for the FAA's operating budget will grow by almost 10 percent. The new Federal Motor Carrier Safety Administration will receive a funding boost of almost 70 percent—an investment that is long overdue in addressing the problem of truck safety.

Most importantly, Mr. President, this Conference Agreement includes a provision establishing a new national intoxication standard at .08 blood alcohol content. This provision has passed the Senate twice before. First, during Senate consideration of the last highway bill and, most recently, as part of this Transportation Appropriations bill.

Indeed, this bill passed the Senate by a vote of 99–0, the first time in my memory that we had not even one dissenting vote on the Transportation bill.

The .08 provision contained in this conference report represents a historic step forward in the federal government's effort to combat drunk driving.

Not since we passed the Minimum Drinking Age Act, a law I championed back in 1984, have we made such significant progress in saving lives on our highways.

The .08 provision in this conference agreement largely follows the outline of the Minimum Drinking Age Act.

It imposes sanctions on states' highway construction funds at an increasing level until they adopt the national .08 standard. States that have their funds sanctioned will have the opportunity to have that highway funding restored so long as they adopt the national standard within the first six years after enactment of this bill.

But states should not wait for the sanctions to even begin—I urge states to act as soon as possible and save lives now.

The reason for a national .08 standard is simple—the medical and scientific communities confirm that you are too drunk to drive at .08 blood alcohol content.

Critical driving skills, such as steering and braking decrease by as much as 60 percent at .08 BAC.

NHTSA estimates that this provision will save more than 500 lives per year. And the Senate should be very proud of its efforts today to spare 500 families from that horrifying phone call in the dark of night telling them that one of their loved ones has died at the hands of a drunk driver.

There are a great many people to thank for our success in this bipartisan effort. Most importantly, I would like to thank the Subcommittee Chairman, Senator SHELBY, who has stuck by me on this provision since the very beginning. As I've mentioned, this was truly a bipartisan effort. And it was not easy. We faced stiff opposition from powerful interests.

My Chairman showed great courage and stood up for the safety of America's families.

I also want to thank Chairman WOLF, the Chairman of the House Transportation Appropriations Subcommittee. Through his six years as Chairman of the Transportation Subcommittee, Representative WOLF has been a true champion for safety.

He is the leading congressional expert in the area of truck safety and he spent months convincing his colleagues of the merits of a national intoxication standard.

I also want to thank President Clinton and Vice President GORE who both personally lobbied the Conferees on this issue, along with members of their staff, including John Podesta and Jack Lew of OMB.

I would also like to thank Millie Webb, a victim of a .08 driver and the President of Mothers Against Drunk Driving.

She lost a daughter and a nephew—both about 4 years of age—to a drunk driver. She then gave birth to a child prematurely who became blind early in her life. This has been Millie's interest for some years because the driver who committed this horrible crime had a blood alcohol content of .08. She is here today to witness this law becoming effective because she didn't want any other families to suffer the pain and grief she went through.

I also want to thank Brandy Anderson, MADD's Congressional representative and the rest of the MADD leadership. In addition, I want to thank Jackie Gillan and Stephanie Mennen of Advocates for Highway Safety.

The help of these public interest groups was critical to getting this law passed. They deserve a great deal of credit.

In recent months, my office has resembled a ''war room'' on the .08 issue, doing everything we can in concert with MADD and Chairman WOLF to see to it that the .08 provision could become law this year.

I want to thank the members of Mr. WOLF's staff, especially John Blazey and Stephanie Gupta, as well as members of my own staff, Peter Rogoff, Sander Lurie, Dan Katz, Denise Matthews, Gabrielle Batkin, and Laurie Saroff who have worked tirelessly on behalf of this provision.

I also want to thank one individual who is no longer on my staff. During consideration of TEA–21, Elizabeth O'Donohue was a tireless advocate for the .08 provision. We were able to get the .08 provision adopted in the Senate on the TEA–21 bill, but we ran into an ambush in the House of Representatives, thanks to the negative work of the liquor lobby.

While Liz is no longer with my staff, I want to recognize the extraordinary groundwork that she laid in past years. There is no question that her efforts contributed greatly to our success here today.

In addition, I want to thank Tom Howarth, a former member of my staff who helped us get the 21 year old minimum drinking age passed, and has worked for years to make the .08 standard the law of the land.

I also want to thank Senator SHELBY's excellent staff, including Wally Burnett, Joyce Rose, Paul Doerrer, Tom Young and Kathy Casey.

Finally, as I make my parting comments as a leader on the Transportation Subcommittee, I want to make one last request of my colleagues. When the Senate considers a new highway bill in 2002 or later, I will no longer be a member of the Environment and Public Works Committee or the Senate and I certainly am not going to be in a position to work as hard as I did in the past on this issue. There is no question, when the Senate considers a new highway bill, there could be an attempt to repeal the national .08 standard. I am sure my colleagues are sensible people and I implore them not to bend to the pressure of those that would bring more bloodshed to our highways. I urge my colleagues not to flinch from their commitment to safety. Please do not condemn 500 American families a year to the tragedy of losing a loved one to drunk driving.

I urge my colleagues to maintain a national drunk driving policy based on safety, sanity and science. You must not bend to those who would seek to undo the progress we have made.

I yield the floor for this my last transportation bill as a Member of the Senate. I have enjoyed my service on this subcommittee. I think it has been important to the country, but particularly to my State, to see the improvements we have been able to make on highway safety and mass transit.

Finally, I think we are on our way to getting high-speed rail service and inner-city rail service in place. That is the only way to relieve the congestion in the skies and on the highways. There is no more room in the skies for additional airlines, no matter what we put on the ground.

I hope we will give high-speed rail the resources it needs to say to those people who are unable to make their business appointments or their contacts because of delayed flights, here is one way to make a difference in the way we travel in this country.

I yield the floor.

Mr. REID. Mr. President, I want the Senator from New Jersey to understand, before he leaves the floor, how appreciative I personally am, and the whole Senate is, for the work the Senator has done—not only in the Transportation appropriations—for many years. The Senator has set the pattern for transportation in the most rapidly growing State, Nevada. The Senator has been instrumental in the things we have been able to do with Senator SHELBY, to come up with programs for the State of Nevada that have been remarkably efficient and good.

In addition to that, before the Senator leaves, this may be the last opportunity we have to speak publicly on the Senator's behalf as to the things the Senator has done in relation to tobacco. I remember my children had respiratory problems and they hated to fly in an airplane. There was smoking and nonsmoking. That was a fallacy; it was all smoking. It is because of the Senator and his perseverance that we have people flying smoke free on airplanes all over the country. It is a crime to smoke a cigarette, as it should be, on an airplane.

This is just one of many things, including gun control, that the Senator has done on the Environment and Public Works Committee. We have served together my entire 14 years in the Senate. The Senator has been a leader in the area dealing with the environment. I speak not only for me but the entire Senate in gratitude for the great work the Senator has done.

FHWA ITS ACCOUNT

Mr. BURNS. Mr. President, I thank my colleague from Alabama for his work on the fiscal year 2001 Department of Transportation appropriations bill. The conference report we are considering today is a balanced report. The bill meets fully the congressional commitment to highway, transit and aviation spending in TEA–21 and AIR–21.

The bill makes transportation in our nation safer and more efficient. Our healthy economy is dependent on this bill. I would like to request one small item of clarification. The report includes a remark in the FHwA's Intelligent Transportation Systems account directing $750,000 to allow the State of Montana to complete the STARS program. This a great new program that I expect will receive national attention in the near future once long haul truck operators are made aware of the efficiencies it will provide them.

However, I have been made aware by my staff that the intention of these funds were to allow the State of Montana to use these funds to complete deployment of the STARS programs and also establish a GIS/GPS framework on the State's public roadways which will benefit the safety of the traveling public in Montana.

Mr. SHELBY. I thank the Senator for his support of this report. I agree with my colleague from Montana that the intention of these funds within the framework established by the ITS account are available to the State of Montana for use in both completing the STARS program, as well as, working on the GIS/GPS project.

Mr. SMITH of New Hampshire. Mr. President, it is with great regret that I rise today to oppose the conference report to the Transportation appropriations bill.

I want to begin by praising my colleagues on the Committee on Appropriations who have worked so hard on this bill and conference report. I know they have faced many difficult issues, competing demands for limited resources, and the pressure of time as this Congress winds down. And there are many good provisions in this bill, including several that will benefit my home State of New Hampshire.

These include: $2 million of the extension of the Commuter Rail line from Boston to Lowell, Massachusetts into Nashua, New Hampshire; A provision that designates the I–93 project as a national model for implementation of environmental streamlining; $1.5 million for improvements to U.S. Route 2 in New Hampshire; $500,000 for the Concord 20/20 Vision project; $250,000 for the Bedford, New Hampshire Route 101 Corridor Study and Improvements; $200,000 for a Feasibility Study of a High Speed Rail Corridor from Boston, MA to Burlington, VT, through New Hampshire; $10 million nationally for the Historic Covered Bridge Program, under which N.H. communities can apply for funds to repair covered bridges; $12 million for construction of the Broad Street Parkway in Nashua, NH; Over $137 million to the New Hampshire Department of Transportation under the states' federal highway allocation authorized by the 1998 Transportation Equity Act for the 21st Century (TEA–21).

But this bill contains several objectionable departures from TEA–21, which are under the clear jurisdiction of the Environment and Public Works Committee, the authorizing committee which I chair.

First, I am concerned about the so-called .08 blood alcohol content (BAC) provision to mandate a nationwide standard for state drunk driving laws by threatening sanctions on highway

funding. In TEA–21 we specifically rejected this approach in favor of incentives to encourage stronger drunk driving laws. Congress worked hard to reach this compromise during TEA–21 so that states could address highway safety and drunk driving in a variety of ways, without the federal government forcing them to focus on whether their laws contain .08 as the magic number. This heavy handed approach that was pushed through on an appropriations bill threatens to take away highway funds from 32 states. I will carry my strong opposition to funding sanctions into the next transportation reauthorization bill, and I hope we have seen the last of this kind of federal intervention.

On this issue of funding, in TEA–21 we guaranteed collections into the Highway Trust Fund would be redistributed to the states and to DOT discretionary programs. When these collections are above TEA–21 estimates, the additional funds, called RABA funds, are distributed according to TEA–21.

This bill makes several major and minor adjustments to the RABA funds—including failing to provide for some programs, and diverting these funds to special projects.

On top of this, the bill also takes an extra $1.4 billion in funds from the Highway Trust fund to go to special projects.

This money is not authorized to be spent in TEA–21. This money comes out of Highway Trust Fund balances. This is like the balance in your checkbook that is there to pay outstanding bills and checks that are waiting to clear.

In TEA–21 we crafted careful compromises over how Highway Trust Fund dollars are spent and distributed. This bill ignores our work and includes page after page of earmarks for unauthorized projects.

We have not been consulted on the viability of these projects, we have no assurance that these projects are important, whether they have met environmental clearances, or whether the funds provided are based on engineering estimates for these projects.

The Highway Trust Fund money is to be distributed to states where they have local control over which projects are funded and when. This bill attempts to circumvent this process with funding earmarks.

I object to this intrusion into the Highway Trust Fund. It is unwise to pick and choose highway projects to insert in the appropriations bill.

As I stated at the beginning, there are many good provisions in this Transportation conference report. I applaud the work that my colleagues have done and appreciate the support they have given to important New Hampshire projects. Therefore, it is with great reluctance that I oppose the conference report.

Mr. FEINGOLD. Mr. President, I regret that I must oppose the Conference Report on H.R. 4475, the Transportation Appropriations Act, because it contains a number of provisions that I support. Others have noted the amount of special interest spending that was included in this bill. While I understand and share the desire of others to respond to particular local concerns, the level of such spending in this bill has become so great that it undercuts the efforts we made in the last Congress to bring more equity to the way transportation dollars are distributed.

Mr. President, beyond that I am greatly disappointed that this measure also includes a provision that is effectively a mandate on States with respect to blood alcohol levels. This issue is classically a matter of State discretion, and the Federal government has no business engaging in what amounts to little more than extortion to impose a policy on States in an area that is so clearly a State matter.

Mr. President, I have come to the floor before to talk about the disturbing trend toward the federalization of matters that should be left to state and local governments to decide. We have seen this in a number of policy areas, including our criminal justice system, but perhaps no area has been the subject of more inappropriate Federal intervention than transportation. From speed limits to seat belts, from helmets to blood alcohol levels, Congress effectively has usurped State authority to set public policy in this area.

Mr. President, I was privileged to serve in the Wisconsin State Senate for ten years, and I can tell you that state legislators like to have something to do. State legislators and governors are fully capable of understanding the arguments made in favor of adopting the .08 standard, and the Congress should not interfere with a policy matter that is so clearly a State prerogative.

Again, Mr. President, I regret I cannot support this measure. Adequate funding for the full spectrum of our transportation infrastructure is one of my highest budget priorities. But the inclusion of the blood alcohol standard puts that very needed funding at risk for states like Wisconsin that have a different policy. As with the special interest provisions that are included in this measure, it undermines the great strides that were made as part of TEA 21 to get Wisconsin a fairer portion of the revenue Wisconsin taxpayers contribute to the transportation fund.

Mr. MCCAIN. Mr. President, the United States' transportation infrastructure is vital to its success as a nation. The ability to regulate and move goods and people safely and efficiently by land, air and sea has defined industrialized countries, nationally and internationally, for centuries. With our economy prospering, there have been significant increases in travel and movement of goods across our country. As a result, it is essential that critical transportation safety and policy programs get proper funding. This Transportation Appropriations conference report takes some appropriate steps in that direction.

However, while I agree with the need for increased funding, I do not agree with the need for increased pork. Unfortunately, once again, the appropriations committee has adopted the mantra that increased funding for necessary programs equals increased pork-barrel spending for parochial projects.

Mr. President, while I was speaking on the floor Monday, I read aloud from an article in that day's Wall Street Journal about the Congressional scramble to wrap up budget negotiations while at the same time, a frantic chase was underway by members seeking to ensure they could take home plenty of earmarked port barrel projects for their districts and states. Well, that article was like reading a crystal ball. And this enormously bloated transportation bill takes the cake. It illustrates one of the most gluttonous, pork-driven, self-serving spending agendas we've seen yet.

Therefore, once again I must rise to object to the immense amount of special projects that have been earmarked in a conference report. Through the appropriations conference, legislators have tacked on millions of dollars in special interest ''projects''. These projects are pure pork tacked on for the benefit of a particular area or community. While some of these projects may not be objectionable on their merits, the process by which they are added is unconscionable.

During closed-door conferences, decisions were made to tack on millions of dollars in special projects. Other members were not allowed to participate in, or vote on, the outcome. While democracy is the foundation of our government, the democratic process is shut out of these closed-door proceedings. Members were not even allowed to view the contents of this report until early this morning, even though it has been reported the conference was completed Tuesday morning. No member should be asked to consider a 146 page bill and 236 page report they were given no time to review. I do not think the managers of this legislation, nor, more importantly, the leadership of this chamber, should be at all proud of how this process has been handled. Indeed, this is not the kind of leadership we can expect the American voters to embrace.

This earmarking process takes away the discretion of the very Federal agencies created and empowered to disburse federal funding. At the current levels of earmarking, we should just save the American taxpayers billions of dollars and abolish all Federal agencies and let the appropriators dole out money directly without any oversight.

This transportation appropriations conference report adds more than $3 billion over the Administration's FY 2001 funding request.

According to published reports, and I must rely on them, since neither I nor my staff have been allowed to view the

report until moments ago, more than $2 billion of these funds are earmarked for highway and bridge projects.

I note $600 million is earmarked for the project to replace the Woodrow Wilson Bridge over the Potomac River between Virginia and Maryland. The project already was given an earmark of $900 million through the Transportation Equity Act of the 21st Century, TEA–21—that is, $900 million in addition to the billions of dollars each state receives in their annual highway funding allocation. To add insult to injury, the additional money is being taken from the budget surplus.

Mr. President, mark my word, that project is the next ''Big Dig'' in the making. The estimated costs of the project have already soared from $1.9 billion to $2.5 billion—and you can bet those costs will keep going up and up and up.

Besides earmarking more than $2 billion in extra funds for highway and bridge projects, of which the Wilson Bridge receives 25 percent of, the conference managers earmarked nearly every other dollar available in the bill.

These earmarks reportedly include $102 million for the U.S. 82 bridge over the Mississippi River at Greenville, Mississippi, $100 million for I–49 in Arkansas and almost $20 million for I–69 in Tennessee. Mr. President, there are a lot of roads and bridges that need rehabilitation; I don't understand why Congress is substituting its judgment for the judgment of Federal agencies.

In addition, there have been a reported $700 million in transit earmarks for the Chicago Metro and Transit Authority in the home state of the Speaker of the House, for a rapid transit bus project at Dulles International Airport in the home state of the Chairman of the House Transportation Appropriations Subcommittee and for the Minneapolis Hiawatha project in the home district of the ranking member of the House Appropriations Subcommittee.

According to his own press releases, and again, I had to rely on them since I had no real opportunity to view the bill, the Chairman of the Senate Appropriations Subcommittee on Transportation has managed to earmark almost $300 million in transportation funds for his home state. Again that is $300 million in personal projects for his state!

Included in this amount is $100 million for the construction of ''Corridor X'', a 97 mile highway through northwest Alabama; $34 million for construction of the Birmingham Northern Beltline; $10 million to construct a Transportation Technology Center at Auburn University; $3 million to the State of Alabama to develop a training program for jobs in the automobile manufacturing field.

The conference report also provides $9 million to replace the Whitesburg Bridge in Alabama; $5 million for the Mobile Alabama Maritime Center; $2.5 million to initiate on-campus shuttle bus service at the University of South Alabama; $2 million for the University of Alabama-Birmingham to acquire fuel cell buses; and $2 million to the University of North Alabama to improve transit and pedestrian access.

Mr. President, this is taxpayer money used to fund the personal pork projects of the appropriators. And I have never seen the levels of pork that we are reaching.

This year, for the first time ever, the appropriators have earmarked $300 million for specific discretionary projects in the FAA airport improvement program. This past year, we fought long and hard with the appropriators and budgeteers to ensure that there was increased funding for airport infrastructure. This was necessary to attempt to keep up with the significant increase in air travel over the past 10 years and the expected increase over the next 10. I congratulate Congress for meeting the agreed upon levels of authorizations.

However, now that we have increased funding, the appropriators feel as if they have the necessary knowledge and expertise to determine where $300 million of these monies should go. Mr. President, I realize that as members of Congress, we travel a great deal. However, I don't believe that experience supplies members with the necessary wisdom to replace FAA's judgment on which projects deserve merit and which projects do not.

The FAA is tasked with the safety of our aviation system. But Congress won't let it do the job. Now we are saying to—indeed, the bill directs—the FAA to spend this increased funding where Congress wants it to, not where it is needed. Mr. President, this is obscene and untenable.

Mr. President, I could go on and on about pork-barrel spending and its effect on the taxpayer, but I will conclude with this thought. We have acted responsibly to increase funding, we are not acting responsibly by denoting where this money should go. I ask unanimous consent that examples of this port barrel spending from the transportation appropriations conference report be entered in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN H.R. 4475, FY 2001 TRANSPORTATION APPROPRIATIONS CONFERENCE COMMITTEE REPORT

—Bill earmarks $5,000,000 for Alabama State Docks;

—Bill earmarks $7,500,000 for Auburn University Transportation Center;

—Bill earmarks $18,467,857 for Woodrow Wilson Memorial Bridge;

—Bill earmarks $1,735,039 Alaska Highway;

—Bill earmarks $8,000,000 for US177 in Stillwater, Oklahoma;

—Bill earmarks $4,300,000 for US177 in Cimarron River, Oklahoma;

—Bill earmarks $1,500,000 for US 70 near Broken Bone, Oklahoma;

—Bill earmarks $100,000 for US 70 in Marshall and Byran Counties, OK;

—Bill earmarks $24,600,000 for I–55 in Mississippi;

—Bill earmarks $4,000,000 for Albany to North Creek intermodel transportation corridor.

—Bill earmarks $1,000,000 for Battiest-Pickens Road, Oklahoma;

—Bill earmarks $8,000,000 for the Patton Island bridge in Lauderdale County, AL;

—Bill earmarks $46,000,000 for traffic mitigation on SR 710 in California;

Report earmarks: $1.4 million for the 2001 Special Winter Olympics; $1 million to ensure consumer information and choice in the airline industry; $2 million for planning for the Salt Lake City Winter Olympic Games; $3 million for automotive workforce training; $300,000 for DOT to study telework efforts in the New York metropolitan area; and $3 million of minority business outreach.

FEDERAL HIGHWAY ADMINISTRATION

Report earmarks: $4 million for commercial remote sensing products and spatial information technologies; $10 million for the national historic covered bridge preservation program; $5 million for construction and improvement of the Alabama State Docks; $10 million for the Auburn University for the Center for Transportation Technology; $7.5 million for Child Passenger Protection Education Grants; $25 million for the transportation and community and system preservation program; $1.6 million for international trade data systems; and $1 million to conduct a study of corporate average fuel economy standards.

Report directs the Secretary of the Army to remove lead-based paint from the St. Georges Bridge in Delaware, to repaint the bridge and to conduct an assessment for rehabilitation of the bridge using funds from the Energy and Water Development Appropriations Acts.

Report redistributes TEA–21 RABA funding after deducting $156,486,491 for ''high priority projects'' including $25 million for Indian reservation roads program, $18.4 million for the Woodrow Wilson Bridge, $10 million for the CDL program, and $1.7 million for the Alaska Highway.

Report stipulates how funds apportioned for Oklahoma, Mississippi, New York, Nebraska, Alabama, and California are to be allocated within those states.

Report directs DOT Secretary to designate the New Hampshire I–93 corridor as an environmental streamlining pilot project.

Report encourages FHWA to expend up to $500,000 to explore traffic striping technology improvements which enhance reflectivity in heavy rain; $2 million to determine the effectiveness of Freezefree anti-icing systems; for cooperative research at the Western Washington University Vehicle Research Institute for safety and related initiatives; up to $500,000 for rural bridge safety research in cooperation with the Vermont Agency of Transportation and up to $1.8 million to the Transportation Research Institute at the George Washington University for multimodal crash analysis.

Report earmarks $15 million for pavements research, including $750,000 for cement concrete pavement research at Iowa State University; $2 million for alkali silica reactivity research, up to $2 million for research into the GSB–88 emulsified sealer/binder treatment; up to $2 million for a cooperative polymer additive demonstration involving South Carolina State University and Clemson University, and up to $1 million for geosynthetic material pavement research at the Western Transportation Institute.

Report provides $15 million for structures research, encouraging FHWA to provide up to $2 million for research at the Center for Advanced Bridge Engineering at Wayne State University; up to $2 million for earthquake hazards mitigation research at the University of Missouri-Rolla; up to $2 million for related engineering research at West Virginia University; up to $2 million for research for wood structures at the University

of Maine; up to $2 million for rustproofing and paint technology transfer project using the I–110 bridge from I10 to U.S.—90, and up to $1.5 million for research at Washington State University.

Report provides $6.2 million for environmental research, and encourages FHWA to provide up to $1 million for the Sustainable Transportation Systems Lab and the National Center for Transportation Technology for mitigation research for heavily-trafficked national parks; up to $1.5 million for a dust and persistent particulate abatement demonstration study in Kotzebue, Alaska, and up to $1 million for the National Environmental Respiratory Center.

For Highway operations and assent management, the report encourages FHWA to provide up to $800,000 for innovative infrastructure financing best practices at the University of Southern California; up to $1 million for the road life research program in New Mexico; up to $2 million for the New York and Auburn University for continued work on a transportation management plan.

FERRY BOATS AND FERRY TERMINAL FACILITIES

The report earmarks the entire amount available for ferry boats and ferry terminals for projects in 15 states.

MAGLEV

The report directs that $21.5 million be used for the deployment of high-speed maglev projects as follows:

$5 million for the Pittsburgh International Airport link;

$1 million for the Maryland Department of Transportation for the Baltimore Washington International Airport link;

$1 million for the California-Nevada Super Speed Train Commission;

$1 million for the Georgia/Atlanta Regional Commission,

$1 million for the Southern California Association of Governments for a link between Los Angeles International Airport to March Air Force Base;

$1 million for the Florida Department of Transportation; and

$1 million for the Greater New Orleans Expressway Commission.

The report further earmarks the following Low-speed maglev program:

$2,000,000 for the Segmented Rail Phased Induction Electric Magnetic Motor (SERAPHIM) project;

$2 million for the Colorado Intermountain Fixed Guideway Authority Airport link project; and

$2 million for the Pittsburgh Pennsylvania airborne shuttle system.

Report includes $50 million for the transportation and community and system preservation program and earmarks the funds as follows:

Project	Conference
Anniston Evacuation corridor, Calhoun County, Alabama	$3,000,000
Avalon Boulevard/405 Freeway interchange, Carson, California	875,000
Boca Raton traffic calming, Florida	500,000
City of North Ridgeville, Lorain County, Ohio grade crossing improvements	600,000
Coalfields expressway, Virginia	4,000,000
Coalfields expressway, West Virginia	10,000,000
Downtown Fitchburg Route 12, extension, Massachusetts	2,000,000
Hatcher Pass (phase I), Alaska	2,000,000
I–25 corridor from Alameda to Logan, Colorado	4,000,000
I–29 Port of Entry, Union County, South Dakota	2,000,000
I–35 corridor expansion, Waco, Texas	1,325,000
I–5 South Medford interchange and Delta Park, Oregon	1,000,000
I–65 upgrade, Clark County, Indiana	1,350,000
I–66, Somerset to London, Kentucky	5,000,000
I–69 corridor, Louisiana	2,300,000
I–69 corridor, Texas	3,000,000
I–74 bridge, Moline, Illinois	5,600,000
Madison County, KY 21 and I–75, Kentucky	1,000,000
New Boston Road improvements, Mercer County, Illinois	3,000,000
Radio Road overpass, City of Sulphur Springs, Texas	1,350,000
Route 104, Virginia	1,000,000
South Shore industrial safety overpass, Indiana	4,750,000
Stevenson expressway, Illinois	3,800,000
US 19, Florida	10,000,000
US 25 improvements, Kentucky	2,000,000
US 321 and US 74, Gasden and Mecklenburg County, North Carolina	500,000
US 395 North Spokane corridor, Washington	1,000,000
US 43, Alabama	4,000,000
US 51 widening, Decatur, Illinois	1,350,000
US 95 (Milepost 522 to Canadian border), Idaho	1,900,000
US Route 2, New Hampshire	1,500,000
US–61 (Avenue of the Saints), Missouri	4,000,000
WI 29 (Chippewa Falls bypass, Wisconsin)	3,000,000

The report earmarks FHWA's public lands discretionary program as follows:

	Conference
20/20 vision project in Concord, New Hampshire	500,000
Arkansas River, Wichita, Kansas, pedestrian transportation facility	1,000,000
Bangor, Maine, intermodal hub facility planning, railroad crossing signalization, bike and pedestrian trails	600,000
Bedford, New Hampshire, corridor planning	250,000
Billings, Montana, open/green space improvement project	775,000
Bowling Green, Kentucky, Riverfront Development transportation enhancements	1,000,000
Buckeye Greenbelt parkway beautification, Toledo, Ohio	250,000
Burlington, Vermont, North Street and Church Street improvements	1,100,000
Chantry Flats Road, Sierra Madre, California	600,000
Charleston, West Virginia, Kanawha Boulevard Walkway project	2,000,000
City of Angola and Steuben City, Indiana, bike path	325,000
City of Bedminster, New Jersey, bike path	500,000
City of Coronado, California, mobility improvements	600,000
City of Ferndale, Michigan, traffic signals	50,000
Claiborne County, Mississippi, access road from US 61 to new port facility	400,000
Clay/Leslie County, Kentucky	2,000,000
Clovis, New Mexico, street revitalization	750,000
Community and environmental transportation acceptability process, California	1,000,000
Delong Mountain, Alaska, airport access and related planning	300,000
Downtown Omaha, Nebraska, access and redevelopment project	300,000
East Redoubt Avenue improvements, Soldotna, Alaska	725,000
El Segundo, California, intermodal facility improvements	1,000,000
Elwood bicycle/pedestrian bridge, County of Santa Barbara, California	250,000
Fairbanks, Alaska, downtown transit and cultural integration planning	450,000
Fairfax cross county trail/Potomac national heritage Scenic Trail, Virginia	500,000
Flint, Michigan, transportation planning and origin & destination shipping study	150,000
Fort Worth, Texas, trolley study	750,000
Heritage Corridor Project study, Illinois	200,000
High capacity transportation system study, Albuquerque, New Mexico	500,000
Houston, Texas, Main Street Connectivity Project	750,000
Hudson River Waterfront Walkway, New Jersey	2,000,000
Huffman Prairie Flying Field Pedestrian and Multimodal Gateway Entrance, Dayton, Ohio	700,000
Humboldt Greenway project, Hennepin County, Minnesota	1,000,000
Jackson traffic congestion mitigation planning, Mississippi	600,000
Johnstown, Pennsylvania, pedestrian and streetscape improvements	400,000
Kansas City, Missouri, Illus Davis Mall enhancements	350,000
Las Cruces, New Mexico railroad and transportation museum	200,000
Lincoln Parish transportation plan, Louisiana	1,500,000
Lodge freeway pedestrian overpass, Detroit, Michigan	900,000
Manchester, Vermont, pedestrian initiative	375,000
Marked Tree, Arkansas, to I–55 along U.S. Highway 63 improvements and controlled access lanes	600,000
Minnesota Trunk Highway 610/10 interchange construction of I–94	1,650,000
Mitchell Marina development, Greenport, New York	250,000

Mobile, Alabama, GM&O intermodal center/Amtrak station	650,000
Montana DOT/Western Montana College statewide geological sign project	200,000
Montana statewide rail grade separation study and environmental review	400,000
New Bedford, Massachusetts, North Terminal	200,000
New Orleans, Louisiana, intermodal transportation research	950,000
NW 7th Avenue corridor improvement project, Miami, Florida	100,000
Ohio and Erie Canal corridor trail development, Ohio	1,000,000

Conference agreement includes a total of $218,000,000 for Intelligent Transportation System (ITS) of which $118,000,000 is available for ITS deployment activities and $1000,000,000 for R&D earmarked as follows:

Alameda-Contra Costa, CA—$500,000;
Aquidneck Island, RI—$500,000;
Arapahoe County, CO—$1,000,000;
Austin, TX—$250,000;
Automated crash notification system, UAB—$1,000,000;
Baton Rouge, LA—$1,000,000;
Bay County, FL—$1,500,000;
Beaumont, TX—$150,000;
Bellington, WA—$350,000;
Bloomingdale Township, IL—$400,000;
Calhoun County, MI—$750,000;
Carbondale, PA—$2,000,000;
Cargo Mate, NJ—$750,000;
Charlotte, NC—$625,000;
College Station, TX—$1,800,000;
Commonwealth of Virginia—$5,500,000;
Corpus Christi, TX—vehicle dispatching—$1,000,000;
Delaware River Port Authority—$1,250,000;
DuPage County, IL—$500,000;
Fargo, ND—$1,000,000;
Fort Collins, CO—$1,250,000;
Hattiesburg, MS—$500,000;
Huntington Beach, CA—$1,250,000;
Huntsville, AL—$3,000,000;
I–70 West project, CO—$750,000;
Inglewood, CA—$600,000;
Jackson, MS—$1,000,000;
Jefferson County, CO—$4,250,000;
Johnsonburg, PA—$1,500,000;
Kansas City, MO—$1,250,000;
Lake County, IL—$450,000;
Lewis & Clark trail, MT—$625,000;
Montgomery County, PA—$2,000,000;
Moscow, ID—$875,000;
Muscle Shoals, AL—$1,000,000;
Nashville, TN—$500,000;
New Jersey regional integration/TRANSCOM—$3,000,000;
North Las Vegas, NV—$1,800,000;
North Central Pennsylvania—$1,500,000;
Norwalk and Santa Fe Springs, CA—$500,000;
Oakland and Wayne Counties, MI—$500,000;
Pennsylvania Turnpike Commission—$1,500,000;
Philadelphia, PA—$500,000;
Puget Sound Regional Fare Coordination—$2,500,000;
Rensselaer County, NY—$500,000;
Rochester, NY—$1,500,000;
Sacramento to Reno, I–80 corridor—$100,000;
Sacramento, CA—$500,000;
Salt Lake City—Olympic Games—$1,000,000;
San Antonio, TX—$100,000;
Santa Teresa, NM—$500,000;
Schuylkill County, Pennsylvania—$400,000;
Seabrook, Texas—$1,200,000;
Shreveport, LA—$2,000,000;
South Carolina statewide—$1,000,000;
South Dakota commercial vehicle ITS—$1,250,000;
Southeast Michigan—$500,000;
Southhaven, MS—$150,000;
Spokane County, WA—$1,000,000;
Springfield—Branson, MO—$750,000;
St. Louis, MO—$500,000;
State of Arizona—$1,000,000;
State of Connecticut—$3,000,000;
State of Delaware—$1,000,000;
State of Illinois—$1,000,000;
State of Indiana (SAFE–T)—$1,000,000;
State of Iowa (traffic enforcement and transit)—$2,750,000;
State of Kentucky—$1,500,000;
State of Maryland—$3,000,000;
State of Minnesota—$6,500,000;
State of Missouri—Rural—$750,000;
State of Montana—$750,000;
State of Nebraska—$2,600,000;
State of New Mexico—$750,000;
State of North Carolina—$1,500,000;
State of North Dakota—$500,000;
State of Ohio—$2,000,000;
State of Oklahoma—$1,000,000
State of Oregon—$750,000;
State of South Carolina statewide—$4,000,000;
State of Tennessee—$1,850,000;
State of Utah—$1,500,000;
State of Vermont—$500,000;
State of Wisconsin—$1,000,000;
Texas Border Phase I Houston, TX—$500,000;
Tuscaloosa, AL—$2,000,000;
Tucson, AZ—$2,500,000
Vermont rural ITS—$1,500,000;
Washington, DC area—$1,250,000;
Washoe County, NV—$200,000;
Wayne County, MI—$5,000,000; and
Williamson County/Round Rock, TX—$250,000.

FEDERAL TRANSIT ADMINISTRATION

—Bill earmarks $60,000,000 for planning, delivery, and temporary use of transit vehicles and construction of temporary transportation facilities for the Olympics in Salt Lake City, Utah to the Utah Department of Transportation and removes the requirement for any state or local matching funds.

—Bill earmarks $4,983,828 for the Pittsburgh airport busway project;

—Bill earmarks $1,488,750 Burlington to Gloucester, NJ line;

The bill further earmarks:

$10,400,000 for Alaska and Hawaii ferry projects;

$500,000 for the Albuquerque/Greater Albuquerque mass transit project;

$25,000,000 for the Atlanta, Georgia, North line extension project;

$1,000,000 for the Austin, Texas, capital metro light rail project; together with $50,000,000 transferred from ''Federal Transit Administration, Formula grants'';

$3,000,000 for the Baltimore central LRT double track project;

$5,000,000 for the Birmingham, Alabama, transit corridor;

$25,000,000 for the Boston South Boston Piers transitway project;

$1,000,000 for the Boston Urban Ring project;

$2,000,000 for the Burlington-Bennington (ABE), Vermont, commuter rail project;

$1,000,000 for the Calais, Maine, branch line regional transit program;

$2,000,000 for the Canton-Akron-Cleveland commuter rail project;

$3,000,000 for the Central Florida commuter rail project;

$15,000,000 for the Chicago Ravenswood and Douglas branch reconstruction projects;

$1,500,000 for the Clark County, Nevada, RTC fixed guideway project;

$4,000,000 for the improvement project;

$5,000,000 for the Charlotte, North Carolina, north corridor and south corridor;

$1,000,000 for the Colorado Roaring Fork Valley project;

$70,000,000 for the Dallas north central light rail extension project;

$5,000,000 for the Denver Southeast corridor project;

$20,200,000 for the Denver Southwest corridor project;

$500,000 for the Detroit, Michigan, metropolitan airport light rail project;

$50,000,000 for the Dulles corridor project;

$15,000,000 for the Fort Lauderdale, Florida, Tri-County commuter rail project;

$1,000,000 for the Galveston, Texas, rail trolley extension project;

$15,000,000 for the Girdwood to Wasillia, Alaska, commuter rail project; and

$1,000,000 for the Hollister/Gilroy branchline.

FEDERAL RAILROAD ADMINISTRATION

—Bill earmarks $17,000,000 for the construction of a third track on the Northeast Corridor between Davisville and Central Falls, RI;

—Bill earmarks $25,100,000 for High Speed Rail program;

—Bill earmarks $20,000,000 for Alaska Railroad; and

—Bill earmarks $15,000,000 for West Virginia rail development.

The report provides $350,000 to establish an ''intermodal emergency response training center for the southeast region of the country, to be located in Meridian, Mississippi.

The report provides $100,000 for a grant to Alabama State docks, a state owned facility, for a study of the cost and economic benefits of restoring rail service on Blakeley Island in Mobile Bay.

The report provides a total of $700,000 for North Carolina's ''sealed corridor initiative.''

Under the heading of ''corridor planning'', $200,000 is provided for a Boston to Burlington high-speed corridor feasibility study; $200,000 for the Southeast corridor extension from Charlotte, NC to Macon, GA; and $300,000 for the Gulf Coast high speed rail corridor from Mobile, AL to New Orleans, LA.

The conference report provides $20,000,000 for the Alaska Railroad.

The report provides $15,000,000 for Rail Development in West Virginia.

The report provides funding for Rail-highway crossing hazard elimination. Of these funds, $750,000 for the High Speed Rail corridor from Washington to Richmond; $1.5 million for the High Speed rail corridor from Mobile to New Orleans; $1.5 million for Salem, OR; $125,000 for both Atlanta to Macon, GA and the Eastern San Fernando Valley, CA; $500,000 for both the Harrisburg to Philadelphia corridor and the Milwaukee to Madison, WI corridor; and $250,000 is provided for the Minneapolis/St. Paul to Chicago high speed rail corridor.

The conference agreement, in Sec. 321, allows funds made available ''for Alaska or Hawaii ferry boats or terminal facilities to be used to construct new vessels and facilities; or to improve existing vessels and facilities.

U.S. COAST GUARD

Operating expenses

Conference Report earmarks $1,000,000 for Tulane University and the University of Alabama in Birmingham to investigate the unique occupational and health hazards affecting Coast Guard personnel due to their work in the marine environment. (Not Requested, p. 13) (Senate provision originally provided $1.75 million).

Conference Report directs the Coast Guard to evaluate the ''boatracs'' text communication system. (p. 14) (Authorizing provision not included in either bill).

Conference Report directs the Coast Guard to conduct an assessment of progress to replace single hull tankers with double hull ships (p. 14) (Authorizing provision not included in either bill).

Acquisition, construction, and improvements

Bill language earmarks $5,800,000 to be transferred from the Coast Guard to the City of Homer, AK, for the construction of a municipal pier and other harbor improvements. (Not requested).

Conference Report earmarks $1,000,000 for Helipad modernization in Craig, AK (not requested).

Alteration of bridges

The FY 2001 Budget Request proposed that funding for this account be provided out of the FHWA's discretionary bridge program instead of the Coast Guard's budget. This account was authorized by the last Coast Guard Authorization bill (FY 98). Conference report provides $15.5 million to repair 6 bridges under the Truman-Hobbs Act. The report earmarks $3,000,000 for the Sidney Lanier highway bridge in Brunswick, GA; $3,000,000 for the EJ&E railroad bridge in Morris, IL; $2,000,000 for the John F. Limehouse bridge in Charleston, SC; $3,000,000 for the Fourteen Mile Bridge in Mobile, AL; $3,925,000 for the Florida Avenue bridge in New Orleans, LA; and $575,000 for the Fox River Bridge in Oshkosh, WI. (Not requested).

General provisions

Sec. 382 prohibits funds to be used to adjust the boundary of the Point Retreat Light Station currently under lease to the Alaska lighthouse Association. (This provision conveys to the lighthouse association approximately an additional 1500 acres of land currently held by the U.S. Forest Service).

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and research

Prohibits funds from being used to plan, finalize, or implement any rulemaking for any requirement pertaining to a grading standard that is different from the three standards (treadwear, traction, and temperature resistance) already in effect. (Included since FY 1996); and

Requires an NAS study on the static stability factor test versus a test with rollover metrics based on dynamic driving conditions that may induce rollovers (but allows NHTSA to continue to move forward with the rollover rating proposal during the NAS study).

Conference report earmarks $750,000 for the Brain Trauma Foundation to continue phase three of the guidelines for pre-hospital management of traumatic brain injury.

Conference report earmarks $750,000 for an aggressive driving program in Maryland, Virginia, and D.C. as specified in the House report.

Conference report earmarks $250,000 to the University of Vermont's College of Medicine and Fletcher Allen Health Care for advance mobile video telecommunications links in rural areas.

Conference report earmarks $500,000 to continue a project at the University of South Alabama on rural vehicular trauma victims, as proposed by the Senate.

Conference report earmarks $250,000, within contract funds, to Mercer University Research Center for a school bus safety initiative, as proposed by the Senate.

Conference report earmarks $1,000,000 to the Injury Control Research Center at the University of Alabama for research on cervical spine and paralyzing neck injuries from motor vehicle accidents.

Conference report prohibits the use of funds to prepare, prescribe, or promulgate different CAFE standards.

The PRESIDING OFFICER. The question is on agreeing to the conference report. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Colorado (Mr. CAMPBELL), the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. KYL), and the Senator from Alaska (Mr. MURKOWSKI), are necessarily absent.

Mr. REID. I announce that the Senator from California (Mr. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. DORGAN), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Washington (Mrs. MURRAY) would each vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 78, nays 10, as follow:

[Rollcall Vote No. 267 Leg.]

YEAS—78

Abraham	Frist	Mack
Akaka	Gorton	McConnell
Ashcroft	Grams	Mikulski
Bayh	Grassley	Miller
Bennett	Gregg	Moynihan
Biden	Hagel	Reed
Bingaman	Harkin	Reid
Breaux	Hatch	Robb
Brownback	Helms	Roberts
Bryan	Hollings	Rockefeller
Bunning	Hutchinson	Roth
Burns	Hutchison	Santorum
Byrd	Inhofe	Sarbanes
Chafee, L.	Inouye	Schumer
Cleland	Jeffords	Sessions
Cochran	Johnson	Shelby
Collins	Kerrey	Smith (OR)
Conrad	Kerry	Snowe
Craig	Kohl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lincoln	Warner
Edwards	Lott	Wellstone
Fitzgerald	Lugar	Wyden

NAYS—10

Allard	Gramm	Thomas
Baucus	McCain	Voinovich
Feingold	Nickles	
Graham	Smith (NH)	

NOT VOTING—12

Bond	Durbin	Kyl
Boxer	Enzi	Lieberman
Campbell	Feinstein	Murkowski
Dorgan	Kennedy	Murray

The conference report was agreed to.

Mr. SHELBY. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized for 15 minutes.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

THE NOMINATION OF BONNIE CAMPBELL

Mr. HARKIN. Mr. President, it has now been 218 days—218 days that the Judiciary Committee of the Senate has had Bonnie J. Campbell's name there and not reported her out. She has had her hearings. Her paperwork is done. Yet she sits bottled up in the Senate Judiciary Committee.

I understand that later today—or maybe early next week—there will be a unanimous consent request to bring up for consideration and pass the Violence Against Women Act. It is a very good bill, a good law, that has done a lot to help reduce domestic violence in our country.

But we have an interesting dichotomy here. There will be a line of Senators out here talking about how they are all for the Violence Against Women Act. It will go through here like greased lightning. But when it comes to the person who has been in charge of implementing the provisions of the Violence Against Women Act, the person who has been in charge of the Office of Violence Against Women since its beginning in 1995—because it was created by the Violence Against Women Act—when it comes to that person who is widely recognized all over America as the one person who has done more to implement that law than anybody else—when it comes to that person, they say, no, we are not going to let her be reported out of the Judiciary Committee. That is Bonnie Campbell.

It is all right to have the Violence Against Women Act but, no, it is not all right to have her sit on the court of appeals—the one person who knows this law intimately, the one person who has led the fight in this country against domestic violence and violence against women in general.

Bonnie Campbell has not been treated fairly by this Senate, by the Republican leadership, and by the Senate Judiciary Committee.

I have heard all the arguments—including the one that she she wasn't nominated until this year. Mr. President, she was nominated in early March. She had her hearing in May. Yet the other day we reported four judges out, all of whom were nominated later than Bonnie Campbell. Three were nominated in July, had their hearing, and were reported out all in the same week. Yet Bonnie Campbell sits there, 218 days today.

It is not as if the appeals courts are full. We have 22 vacancies on the appeals courts. And we need more women serving on the appeals court. Out of 148 circuit judges, 33 are women—22 percent. Yet the Republican leadership in this Senate and on the Senate Judiciary Committee will not let Bonnie Campbell's name come out for a vote.

If somebody on the other side wants to vote against her, for whatever reason, that is their right. It is their senatorial privilege and even their responsibility, if they feel deeply about it, to do so. But I don't believe it is anyone's responsibility, nor even a right, to hold that name bottled up in committee when she is fully qualified. I have not heard one Senator say Bonnie Campbell is not qualified for this position—not one. I have heard no objections raised at all. She is supported by both the Senators from Iowa—a Republican Senator, Mr. GRASSLEY, and by me, a Democrat. So there has been strong, bipartisan support.

Again, she is a former attorney general of the State of Iowa and now head of the Violence Against Women office. Yet they won't report her name out.

Yes, they will let the Violence Against Women Act come through, and we will hear wonderful speeches about it, I am sure, from the Republican side. The House of Representatives, last week, voted for the Violence Against Women Act, 415–3. Does anybody believe they would have voted that overwhelmingly if the only person who has run that office had done a bad job and had not enforced the law fairly and equitably and brought honor to the law and the position? Absolutely not. By that 415–3 vote, they were saying Bonnie Campbell has done an outstanding job.

Mr. WELLSTONE. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. WELLSTONE. I say this to the Senator from Iowa—and I wonder whether he would agree with me—I think if we had an up-or-down vote on Bonnie Campbell, it would be 100–0 or 99–1. Under the Violence Against Women Act, in terms of dramatically affecting the lives of women and their children, we would not have been able to have made a real difference without Bonnie Campbell. She is the one who made this a reality——

Mr. HARKIN. Exactly.

Mr. WELLSTONE. When it came to directly affecting their lives. If we had a vote, I think it would be 100–0 or 99–1.

Mr. HARKIN. I hadn't made that point, but yes, that is true. If we had a vote, I daresay maybe one or two may have a problem for some reason, but I think it would be overwhelming.

Mr. LEAHY. Will the Senator yield for a question?

Mr. HARKIN. Yes.

Mr. LEAHY. The Republican nominee for President, George W. Bush, has said what the Senate ought to do on all these nominees is, within 60 days, vote them up or down, but at least bring them to a vote. Would the Senator from Iowa agree with me that that is a good idea on what should be done?

Mr. HARKIN. I think that is a great idea.

Mr. LEAHY. Would he also agree with me that if Governor Bush actually means that, he ought to pick up the phone and call the Republican leadership and say there are an awful lot of women and minorities and others who have been bottled up, as well as Bonnie Campbell, a lot longer than 60 days—I think one for more than 1,360 days—we ought to vote them up or down?

Mr. HARKIN. I agree.

Mr. LEAHY. Lastly, would the Senator from Iowa agree with me that all he wants and would be satisfied with—bring her down here, 9 o'clock in the morning, or at night, whatever, and let's have a rollcall vote? I can assure you, I have read all of her file, and I sit on the Judiciary Committee. I have gone through every bit of this. Bonnie Campbell is one of the most qualified people nominated by either a Republican or Democrat in the 25 years I have been on the Judiciary Committee.

Mr. HARKIN. I agree with the Senator from Vermont, my great friend who does an outstanding job on the Judiciary Committee. He is absolutely right. Governor Bush said we ought to have a 60-day deadline. He should pick up the phone, as my friend said, and call the Republican leadership. He is the leader of the Republican Party.

UNANIMOUS CONSENT AGREEMENT

Mr. President, I will, as I do every day, ask unanimous consent to discharge the Judiciary Committee on further consideration of the nomination of Bonnie Campbell, nominee for the Eighth Circuit Court, and that her nomination be considered by the Senate following the conclusion of action on the pending matter, and that the debate on the nomination be limited to 2 hours equally divided, and that a vote on her nomination occur immediately following the use or yielding back of that time.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I intend to make my point every day. And as you can see, an objection to bringing Bonnie Campbell's name out of the Judiciary Committee so we can have a debate and vote is made every time on the Republican side. That is who is holding this up. It is a darn shame that this is being done to a person who has led an exemplary life, done an outstanding job in public service both as attorney general of Iowa and now as head of the Violence Against Women Office in the Department of Justice. It is not right, it is not fair.

So every day that we are here I will continue to ask unanimous consent to bring her name out. Before I yield the floor, once again, I will point out that in 1992, when there was a Republican President and a Democratic Senate, 9 circuit court judges had their hearings; there were 14 nominated in 1992, during an election year, and 9 had hearings. Of all those who had hearings, they were all referred and all confirmed—one as late as October of 1992, a couple in September, and a couple were in August.

When the shoe was on the other foot, when there was a Republican President and a Democratic Senate, we had the hearings. Everyone who had a hearing during the Bush Administration got a vote in Committee. All but one got a vote on the Senate floor. Well, Bonnie Campbell had her hearing. All the paperwork is done. Yet she has been referred. Every single one was confirmed in 1992.

Well, this is the year 2000 and we have had seven circuit court judges nominated this year. One has had a hearing and was referred and was confirmed. That is one out of seven. In 1992, it was 9 out of 14. Tell me who is playing politics around this place. Tell me who wants to play politics with the circuit courts. It is not our side. It is the other side.

In 1992, as I said, we had nine circuit judges nominated and confirmed. This year, there was only one. No. 1, it is a flimsy argument to say because she was nominated this year it is too late. No. 2, it is a phony argument that, well, it is a circuit court and maybe George Bush will win the election and, therefore, we will put Republicans on there instead of somebody such as Bonnie Campbell.

In 1992, as I pointed out, when the roles were reversed, we confirmed nine circuit court judges that year. We could have said the same thing: Bill Clinton may win, so don't confirm them. But we didn't do that. I believe the right course of action to follow is to report those out, let them have a debate. If people want to vote one way or the other, that is their right.

I will continue to take this floor every day until we adjourn sine die, or whatever we do here. I will begin to use every means at my disposal to get her name out of the Judiciary Committee and make sure she is treated fairly by this Senate and that at least we have a vote.

I yield the floor.

UNANIMOUS CONSENT REQUEST—S. 3059

The PRESIDING OFFICER. The Senator from Arizona.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. MCCAIN. I am doing a unanimous consent.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent that the majority leader, in consultation with the Democrat leader, establish a date certain and time certain for consideration of S. 3059, and that only relevant amendments to the bill be in order.

Mr. REID. Reserving the right to object, I ask the Chair, is there no time certain for the vote on the unanimous consent request?

The PRESIDING OFFICER. No time certain.

Mr. REID. I object.

Mr. MCCAIN. Could I have the reason for the objection?

Mr. REID. I say to my friend, we are very anxious to move forward on this

matter, but we want a time for the vote.

Is this your request?

Mr. MCCAIN. It is my request.

Mr. REID. I thought it was a different matter; sorry. I withdraw my objection.

Mr. SESSIONS. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MCCAIN. Mr. President, before the Senator from Alabama leaves the floor, the Senator from Alabama should understand what he is doing.

This bill came out 2 weeks ago. This bill came out 2 weeks ago and there are relevant amendments that are in order. The Senator from Alabama is going to bear responsibility for our failure to act.

Mr. President, I quote to the Senator from Alabama what the Secretary of Transportation says:

> More importantly, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

I tell the Senator from Alabama, if we don't act expeditiously, we will not address life-threatening motor vehicle safety defects.

The Senator from Alabama can have all the amendments he wants that are relevant, and he can have all the time he wants that is relevant. By blocking the bill, the Senator from Alabama assumes great responsibility, great responsibility. I hope he has a chance to talk to the relatives of those who have already been killed, and those who are going to be killed if this legislation is killed.

Again, I ask unanimous consent that the majority leader, in consultation with the Democrat leader, establish a date certain and a time certain for consideration of S. 3059, and only relevant amendments to the bill be in order.

For the benefit of my colleagues, that doesn't mean there is any time limit or any limits on amendments. An objection to this can only be viewed as obstructionism. I say again, expeditious action on comprehensive legislation will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects.

I intend to come back to the floor in about 15 minutes and propound this unanimous consent agreement again, if there is an objection.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Will the Senator from Arizona yield?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. SESSIONS. I want to respond.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. How long does the Senator from Alabama desire to speak?

Mr. SESSIONS. Five minutes.

Mr. REID. The Senator from Montana has been on the floor for a long time and he wants 10 minutes; the Senator from Connecticut desires 10 minutes. I ask permission from the Senator from Montana to allow the Senator from Alabama to speak for 5 minutes, and I ask unanimous consent the speaking order be: the Senator from Alabama for 5 minutes; the Senator from Montana, 15 minutes; the Senator from Connecticut for 10 minutes, in that order; and following my having this consent granted, I ask that the Senators from Minnesota and from Kansas be allowed to speak for 1 minute.

Mr. BROWNBACK. At most to proffer a unanimous consent. Could we do that first?

I understand Senator DOMENICI seeks 20 minutes.

Mr. REID. I ask unanimous consent Senator DOMENICI speak for 20 minutes.

The PRESIDING OFFICER. Is there an objection?

Mr. MCCAIN. Reserving the right to object, I will want to have 10 minutes following Senator DOMENICI for the purpose of propounding another unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. BROWNBACK. This is a unanimous consent agreed to and worked out ad nauseam on both sides.

UNANIMOUS CONSENT REQUEST—H.R. 3244

Mr. BROWNBACK. Mr. President, I ask unanimous consent that at 9:30 a.m. on Wednesday the Senate proceed to the conference report to accompany H.R. 3244, the trafficking victims conference report and the conference report which has just passed the House, and be considered as having been read and considered under the following agreement for debate only: 2 hours equally divided between Senators BROWNBACK and WELLSTONE, or their designees; 3 hours under the control of the ranking member of the Judiciary committee; 1 hour under the control of Senator BIDEN; and 1 hour under the control of Senator HATCH.

I further ask consent that following the conclusion or yielding back of time, Senator THOMPSON be recognized to make a point of order against the conference report that the conference text, section 2001, regarding Aimee's law is not in the jurisdiction of the Foreign Relations committee and following the ruling by the Chair, Senator THOMPSON would appeal the Chair's ruling and that appeal be limited to the following: 1 hour under the control of Senator THOMPSON.

I further ask consent that following the use or yielding back of time, the vote relative to the appeal occur immediately on Wednesday, and if the Chair is not overturned, no other action occur and the Senate proceed to vote on adoption of the conference report, immediately, without any intervening action or debate.

Mr. LEAHY. Reserving the right to object, sometimes it is work to manufacture a time for a vote. I note, so there is not any confusion, and notwithstanding the fact that the conference report was sent over without people seeing it, I am perfectly happy to have the vote on this today. I am perfectly happy to go to a vote today on each of the aspects, so there will not be any question on that, and I understand that notwithstanding the fact that we can't get any other work done around here, the Republican leadership, which is their right, is going to take a few days off again, but I want to at least have this debate on the day we vote.

I commend the Senator from Kansas and the Senator from Minnesota for their work in getting us to this point. I do not object.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I know the Senator from Arizona cares deeply about his legislation. He cares deeply about every legislative piece he pushes. I have some important legislation pending, too, and I haven't had time to debate them.

The Paul Coverdell Criminal Laboratory for Forensic bill will probably save more lives than this bill. However, I think his request is not unreasonable. I do believe the bill has problems. As a person who prosecuted for over 15 years, I do not believe in a continual blurring of the lines between what is criminal liability and civil liability.

We are talking about making crimes out of defective building of an automobile. I think we have to be careful about that. It has not gone through the Judiciary Committee. I have not had a chance to see it and I was very concerned about it. I indicated my concern to others.

As I have been briefed on this just 5 minutes ago, by my staff—they provided a memorandum which I have not had a chance to even read—I was prepared to go forward with the Senator's request and not object. However, I find that several people expected that I would be objecting who also wanted to object, and I felt I was obligated, due to that miscommunication, to file an objection.

Two hours from now I will not object if no one else does. I am prepared to debate these problems and see if we can cure these problems, but I do not feel it would be a collegial thing for me to do, when apparently it was thought that I would object, so that is why I object.

Mr. MCCAIN. Will the Senator yield to me just for a comment?

Mr. SESSIONS. I will.

Mr. MCCAIN. I thank the Senator from Alabama. I will be back in 2 hours. I want to assure him I understand those concerns, particularly on criminal sanctions. No one knows the situation better than the Senator from Alabama, who was a former attorney general of his State, who has more knowledge on those issues than I do. I want to work with the Senator from Alabama on that. That is why relevant

amendments will be in order. I just hope the Senator from Alabama will allow this to move forward when we propound it again.

Again, I understand very well the concerns he has. That is why the unanimous consent agreement calls for simply relevant amendments, with no time limit. I think the stark political reality around here, as the Senator from Alabama knows, is that we are not coming back in until Wednesday. If the Senator from Alabama and others who object just have numerous amendments, there is no way we are going to be able to get a bill passed and then into conference with the House and move forward. So I thank the Senator from Alabama for his consideration. I understand his concerns. I look forward very much to working with him.

I yield and I thank my colleague from Montana for his indulgence.

THE PRESIDING OFFICER. The Senator from Montana is recognized.

COMMENDATION OF MONTANA WILDFIRE FIREFIGHTERS

Mr. BAUCUS. Mr. President, I rise today to talk about a matter that has impacted every inhabitant of the state of Montana: The wildfires of the past 2 months. The recent rain and snow have finally brought the fires in Montana under control, but many of the largest fires are still smoldering.

The Helena Independent Record Recently described the summer of 2000 as a:

> Fire season marked by miracles and loss, heroism and heartache, smoky skies and blackened backyards, of evacuations, waiting, planning and prayer.

This photo showing two elk trying to escape the flames was taken on August 6th in the Bitterroot Valley by Forest Service firefighter John McColgan. On this particular day several forest fires converged near Sula, burning over 100,000 acres and destroying 10 homes. And this fire was just one of dozens burning across Montana.

Mr. President, it is not an exaggeration to say that these fires impacted every inhabitant of Montana. Even people in our cities, miles from the front lines, lived with a constant reminder of the conflagration burning about them.

As you can see in this photo of Helena, cities all across the region spent weeks under a cloud of smoke.

Clearly, it was one of the worst fire seasons we've seen in the last 100 years.

This is our cathedral, Saint Helena's Cathedral. You can see big smoke columns rising. The fact is, this is dramatically an understatement. I have asked my office to see if there are other photos which more accurately describe the situation in my State, and this is all we could come up with at the time. But this town, Helena, I might say, was so covered with smoke that my house—up just about 500, 600 feet from here—as I was looking across the back alley through the kitchen window, I could not even see across the alley. The whole city was just covered all the way down to ground level with smoke. That was the rule. That was the rule for all Montana cities, with the exception maybe of some of the eastern Montana cities. Most of them had just dense smoke impact for a long time. Clearly one of the worst fire seasons we have seen in over 100 years.

But, Mr. President, I didn't come to the floor to talk about how bad the fires were—that's already apparent. Nor did I come down here to talk about forest management policy and what we could have done to lessen the harmful impact of these fires—there will be plenty of time to address both topics in the weeks and months to come.

Mr. President, I am here today to commend the efforts of the thousands of people who pulled together to do battle with one of Mother Nature's most unforgiving forces.

From New Zealand's finest, most experienced firefighters to the Montana volunteers who ran Red Cross evacuee camps, the fires brought together some of the most courageous and hard-working individuals I have ever encountered.

Someone once told me that the true character of any community will reveal itself in the face of a natural disaster. I am proud of how Montanans and all of those who came to help rose to this challenge and persevered.

Of all the statistics—almost a million acres burned, over 300 structures lost, over $200 million spent in battling fires—the one statistic I am most proud of is the number of human casualties—zero. That's right, in Montana not one life was lost during this disaster and no one was seriously injured.

I can't tell you how proud I am that safety remained the highest priority: of all of the firefighters who were in harm's way, the pilots who flew risky missions dumping water or retardant chemicals over the fiery landscape, and the thousands of people who were evacuated—no one was seriously injured. To me, that's one heck of a statistic.

That's why today, Mr. President, I want to extend a heartfelt ''thank you,'' and I know I speak for every Montanan.

I want to thank firefighters from across the country, and around the world. Volunteer firefighters who left their regular jobs. The employees who let them go. Students who postponed attending classes. The families left at home and the co-workers who put in overtime to cover for those who traveled to the west.

I might say in this photo, in the center is James Lee Witt, flanked by two members of the Montana delegation, myself on the left, and Senator BURNS on the right. We are talking to a volunteer firefighter.

These are people who, when the fire comes, often are in an area next to a community—there are homes back in the woods and the volunteer fighters immediately rush out. They are the first ones there. They are there without any pay. It is their community and they are fighting their hearts out. They are bleeding, almost literally—doing all they can to prevent that structure from burning, to do all they can to force the fire back. They are not paid. It is without compensation. The Forest Service and smokejumpers are; there are others who are not paid. The others are not. They are the first there and often the last to leave. They are just into it because it is their community.

I called James Lee Witt, pictured in the center of this photo. He very quickly got some regulations changed so volunteer firefighters could be reimbursed. Recently now they are receiving payment for the services they rendered. But the point is, people came from all over. Employers let volunteers leave work—it was lost work, but still the main job had to be done fighting these fires. Students postponed attending classes at the University of Montana, or other classes, families left at home, coworkers who put in overtime to cover those who traveled to the West.

The Red Cross and its hundreds of volunteers who were there when folks needed to see a friendly face. The various state agencies that worked diligently and expeditiously to implement emergency plans. The federal agencies that came forward to help put the fires out and begin to rebuild these communities.

Specifically, I'd like to commend FEMA, the Federal Emergency Management Agency for their efforts. On several occasions, they quickly released federal funds or waived personnel requirements. Cutting red tape so we could get the assistance we needed right away.

I especially thank FEMA Director James Lee Witt who spent countless hours working with me and other folks in Montana. When these fires started to blow in Montana, James Lee Witt said he was really booked up with other plans, but he dramatically changed his schedule so he could come to Montana. That made a huge difference in getting agencies to work together, and it cut so much of this redtape. FEMA is still working on recovery efforts, and we very much appreciate all they have done and continue to do.

I also thank with the same enthusiasm the adjutant general of the Montana National Guard, Gene Prendergast, and all his troops. Gene really stepped up. This guy really cares. He mobilized his troops, who care just as much. He was also influential in working with Federal, State, and local agencies to coordinate plans and requests for Federal assistance. We owe Gene Prendergast a huge debt of gratitude.

At the high point of the fires, there were well over 12,000 people fighting blazes in western Montana. That includes Forest Service firefighters and

National Guard men and women. We had 3 active-duty battalions from the East coming to fight fires in Montana. People came from everywhere—from 48 States and 3 countries—to Montana. Across the West, some 30,000 brave individuals battled wildfires during this season.

We did not lose any lives in our State, thanks to the combination of solid training, sensible fire strategy, and good luck. The dangers faced by these individuals, however, were obviously real. Think of the danger we put people into.

Last year, we took time to remember the Mann Gulch fire. That was a huge fire in Montana which blew up about 50 years ago. Thirteen National Forest Service smoke jumpers died in that blowup. They were fighting a fire 10 miles away from Helena, 10 miles from the photo I showed earlier. It was not thought to be a fire that was going to threaten lives or property. An observer described the Mann Gulch fire with these words:

> A terrific draft of superheated air of tremendous velocity had swept up the hill exploding all inflammable material, causing a wall of flame 600 feet high to roll over the ridge and down the other side and continue over ridges and down gulches until the fuels were so light that the wall could not maintain enough heat to continue. This wall covered 3,000 acres in 10 minutes. Anything caught in the direct path of the heat blast perished.

Just 6 years ago, we lost 14 smoke jumpers in a similar firestorm near Glenwood Springs, CO. This fire, like the Mann Gulch, was considered routine, and these were not even the most deadly fires in the West's history. It is important to remember those who gave their lives fighting wildfires. It is also important to celebrate those who put their lives on the line day after day to keep our homes and communities safe.

A simple thank you does not seem to be enough to show our appreciation for these people and for everything they have done. That is why I have come to the floor to announce I am introducing legislation to honor and commemorate the selfless sacrifices each of these individuals has made to keep our families and our homes safe.

The legislation will direct the U.S. Forest Service, the Bureau of Land Management, the Federal Emergency Management Agency, and the U.S. Department of Defense to work together to create a commemorative pin or badge that will be issued to each firefighter at the end of a fire season. This will serve as an emblem of the vital service they have provided and a symbol of our gratitude, much as a soldier might receive a band to record a tour of duty, because those who fight wildfires really are soldiers who put their lives on the line every day in defense of the people, communities, the lands of America. These courageous men and women need to be recognized as the heroes they are.

As we properly focus on the work these brave firefighters do for us, let us not forget the work we must do for them, for it is only by creating and funding sensible forest management policy and by guiding development to reduce the risk to homes and property posed by wildfires that we can keep more of our firefighters out of harm's way and prevent future tragedies like Mann Gulch.

As we commemorate our firefighters, let us make sure we rise to the task of putting aside our differences and working together for commonsense policies that will keep our forests healthy and firefighters safe.

Again, I say thank you, thank you to all the heroes—firefighters, volunteers, Government employees, ordinary citizens—who pulled together to protect life and home in Montana and across the West. Please know that we are truly grateful for everything you have done.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before my colleague from Montana leaves the floor, I commend him for his fine remarks. Connecticut is a long way geographically from the State of Montana. The Nation was transfixed over this past summer watching events unfold in the West and particularly in his State where so many millions of acres were engulfed in flames.

I express the strong feelings of all of us across the country on the tremendous work these firefighters have done and note further that we just passed as part of the Defense authorization bill a provision, the Fire Act, which will, for the first time, provide financial resources much along the lines of the COPS programs for fire departments, the 30,000 of them that exist in this country—volunteer, paid, and combination departments—to assist local communities and States in providing the sophisticated technology today which firefighters need, particularly the volunteer departments, where chemical and toxic substances and the tragedies of this summer demand a talent, education, and training unlike people even imaged a few years ago.

I commend the Senator from Montana for his fine work and express my sincere thanks to him and the fine people of Montana as well for a job well done.

Mr. DODD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. SSSSIONS). The motion to proceed.

I believe the Senator has a time request to propound.

Mr. DODD. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OPPOSITION TO CUBA PROVISIONS

Mr. DODD. Mr. President, I express my strong opposition and disappointment with the outcome of last night's Agriculture appropriations conference report with respect to U.S.-Cuba policy. It is rather ironic that those who rail against Fidel Castro's dictatorial behavior seem to have adopted some of his tendencies; namely, a willingness to abuse the democratic process and go against the will of the majority in the Congress.

The proposed changes in the bill with respect to the sale of food to Cuba are modest at best since these exports can only be financed using third-country private commercial credit or cash. Such restrictive financing terms are a major hurdle for American exporters to overcome and are likely to significantly discourage any significant increases in such exports.

With respect to the codification of existing travel restrictions on Americans wishing to travel to Cuba, I think this action is shameful and irresponsible. I predict the authors of this provision will live to regret deeply having taken away this and future administrations' discretion to grant licenses on a case-by-case basis in circumstances that do not fall into the now codified categories of permissible travel.

I also believe that Cuban Americans who want to keep in touch with their family members in Cuba are going to be extremely critical of the fact that their ability to visit loved ones is now frozen in statute.

I say to the authors of this provision that they are only kidding themselves if they think this is going to stop Cuban Americans who are determined to visit their family members in Cuba several times a year from doing so. Sadly, they are going to encourage otherwise law-abiding individuals to break the law. I think that is regrettable.

I am supportive of other provisions of this legislation which will dramatically loosen the licensing and financing restrictions on sales of food and medicine to other countries that have been designated as terrorist states—North Korea, Iran, Sudan, and Libya. I strongly believe food and medicine should not be used as a sanctions tool, since the impact of denying such sales falls most heavily on innocent men, women, and children in these countries.

This is not to confuse our sincere and deep objections and strong opposition to the Governments of North Korea, Iran, Sudan, and Libya. But, it is not an American tradition to take food and medicine and make them a sanctions tool on a unilateral basis. We have understood in the past that you do not blame the innocent civilians of populations for the cruel regimes of their dictators and rulers. It is not in the American spirit to say to an innocent child—in any one of these countries—that if we are able to get food and medicine to you, you ought to be denied it as a tool of U.S. foreign policy.

I find it appalling that Cuba has been singled out, because in this bill we now say food and medicine can go to North Korea, Iran, Sudan, and Libya, but not to a little country of 11 million people 90 miles off our shore. I think that is

regrettable. Cuba has been singled out for even more restrictive treatment than countries that are far more of a potential threat to United States foreign policy and national security interests than Cuba has ever been.

I am sure the average American is extremely puzzled by the decision just taken by the Agriculture appropriations conferees. I do not blame them for being confused, to put it mildly, and puzzled. Didn't the House and Senate go on record in support of less restrictive conditions on the sale of food and medicine to Cuba? Seventy Senators—70—voted to lift restrictions on the sale of such items; 301 Members out of the 435 Members of the House did so as well. And, 232 Members of the House also are on record in favor of lifting all travel restrictions to Cuba.

Yet despite these overwhelming votes by both Chambers—majorities, bipartisan majorities—the advocates of ''tightening the screws,'' as they like to say, on Castro are always quick to say they hold no ill will against the Cuban people. Yet I somehow suspect that the residents of Havana or Santiago, Cuba, will not be applauding our recent actions in Washington.

But that isn't what last night's conference decision was about, in any event. Very little we do in Washington with respect to Cuba has anything to do with winning the hearts and minds of the Cuban people. Rather, it is about attempting to win the hearts and votes of the residents of some sections of the country—hardly a wise and moral way, in my view, to make foreign policy decisions.

Earlier this year, Senator LEAHY and I introduced legislation that would take United States policy in a different direction with respect to the island of Cuba. A companion bill was introduced in the House by MARK SANFORD. The bill is entitled the Freedom to Travel to Cuba Act of 2000. It would have lifted the archaic, counterproductive, and ill-conceived ban on Americans traveling to Cuba.

We offered this legislation because we believe the existing restrictions on travel hinder rather than help our efforts to spread democracy as well as unnecessarily abridge the rights of ordinary Americans. We were taught in civics class that the United States was founded on the principles of liberty and freedom. Yet when it comes to Cuba, our Government abridges these rights with no greater rationale than political and rhetorical gain.

It is one thing if Castro does not want to let an American citizen in. I understand that. He is a dictator. What I do not understand is a democratic government saying to its own people you can't go somewhere. Cuba lies just 90 miles from America's shore. Yet those 90 miles of water might as well be on a different planet. We have made a land ripe for American influence a forbidden territory. In doing so, we have enabled the Cuban regime to be a closed system with the Cuban people having little contact with their closest neighbors on this Earth.

I note that in a few weeks the President of the United States is going to travel to Vietnam, a Communist government. There are 58,000 names on a wall just a few blocks from here of Americans who died in that conflict. Yet we have found it possible to rebuild diplomatic relations, economic relations, and even an America President will travel to a nation that only a few years ago we were in hostile conflict with and has a government with a political philosophy of which today we fundamentally disagree. Yet 90 miles off our shore there is a country to which you cannot even go to try to make a difference, and enlighten people about what democracy means.

Surely we do not ban travel to Cuba out of concern for the safety of Americans who might visit the island nation. Today Americans are free to travel to Iran, to Sudan, to Burma, to Yugoslavia, and to North Korea—but not to Cuba. Is there anyone who would come to this Chamber and suggest to me it is less dangerous to be in Sudan or Burma or Yugoslavia than the island nation that is 90 miles off our shore? I doubt it.

You can fly to Iran. They held hostages, we all recall, back in the 1979–1980 period, yet I can go to Iran today. I can fly there, if I want, without restriction. But I cannot go 90 miles off our shore to the island of Cuba. What an inconsistency.

If the Cubans want to stop Americans, as I said, from visiting their country, then that is their business. I disagree with it, but I would not be surprised that under a dictatorship they might pass such laws or prohibit such travel. But to say to an American citizen that you can travel to Iran, where they held American hostages for months on end, to North Korea, which has declared us to be an enemy of theirs completely, but you cannot travel 90 miles off the shore of this Nation to the island of Cuba is more than just a mistake, in my view.

To this day, some Iranian politicians believe the United States to be ''the Great Satan.'' That is what they like to call us. We hear it all the time. Just two decades ago, Iran occupied our Embassy and took innocent American diplomats hostage. To this day, protesters in Tehran burn the American flag with the encouragement of some officials in their Government. Those few Americans who venture into such inhospitable surroundings often find themselves pelted by rocks and accosted by the public.

Similarly, we do not ban travel to the Sudan, a nation we attacked with cruise missiles several years ago for its support of terrorism; to Burma, a nation with one of the most oppressive regimes in the world today; to North Korea, whose soldiers have peered at American servicemen through gun sights for decades; or Syria, which has one of the most egregious human rights records and is one of the foremost sponsors of terrorism.

I fail to see how isolating the Cuban people from democratic values and ideals will foster the transition to democracy in that country. I fail to see how isolating the Cuban people from democratic values and from the influence of Americans when they go to that country to help bring about change we all seek serves our own interest.

The Cuban people are not currently permitted the freedom to travel enjoyed by many peoples around the world. However, because Fidel Castro does not permit Cubans to leave Cuba and come to this country is no justification for adopting a similar principle in this country—a great democracy.

We need to treasure and respect the fundamental rights we embrace as Americans. Travel is one of them. If other countries want to prohibit us from going there, that is their business. But for us to say that citizens of Connecticut or Alabama cannot go where they would like to go is not the kind of restraint we ought to put on our own people.

Today, every single country in the western hemisphere is a democracy, with one exception: Cuba. American influence, through person-to-person and cultural exchanges, was one of the prime factors in this evolution from a hemisphere ruled predominantly by authoritarian and military regimes to one where democracy is the rule.

Our current policy toward Cuba limits these exchanges and prevents the United States from using our most potent weapon, in my view, in our effort to combat totalitarianism, and that is our own people—our own people. They are some of the best ambassadors we have ever sent anywhere. They are the best ambassadors to have.

Most totalitarian regimes bar Americans from coming into their countries for that very reason. These countries are afraid of the gospel of freedom that might motivate their citizens to overthrow dictators, as they have done in dozens of nations over the last half century. Isn't it ironic that when it comes to Cuba, we do the dictator's bidding for him in a sense? Cuba does not have to worry about America spreading democracy. Our own Government stops us from doing so.

There is no better way, in my view, to communicate America's values, our ideals, than by unleashing the average American men and women to demonstrate, by daily living, what our great country stands for, and the contrasts between what we stand for and what exists in Cuba today.

I do not believe there was ever a sensible rationale for restricting Americans' right to travel to Cuba. With the collapse of the Soviet Union and an end to the cold war, I do not think any excuse remains today to ban this kind of travel. This argument that dollars and tourism will be used to prop up the regime is specious. The regime seems to

have survived 38 years despite the draconian U.S. embargo during that entire period. The notion that allowing Americans to spend a few dollars in Cuba is somehow going to give major aid and comfort to the Cuban regime is without basis, in my view.

Political rhetoric is not sufficient reason to abridge the freedoms of American citizens. Nor is it sufficient reason to stand by a law which counteracts one of the basic premises of American foreign policy; namely, the spread of democracy. The time has come to allow Americans—average Americans—to travel freely to Cuba not make it even more difficult to do so.

Mr. President, a small number of individuals in the Congress may have temporarily succeeded in hijacking the democratic process with respect to this issue and in thwarting the will of the majority with respect to loosening U.S. restrictions on travel and sales of food and medicine to Cuba. But let me assure you that this issue is not settled. Those of us who want to see meaningful change in our Cuba policy will be back next year raising this matter on the floors of the House and Senate. And I predict that when the democratic process is allowed to work, the results of last night's conference will be decisively reversed and U.S. policy toward Cuba will be finally put on the right track and the prospects of a peaceful democratic transition in that country greatly enhanced, and the 11 million Cubans will know that the American people care about them despite their strong objections to the Government which runs that country today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, it is my understanding that Mr. DOMENICI, and then Mr. MCCAIN, have orders for recognition.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I ask unanimous consent that I may briefly speak now, and that I may also be recognized following the speech by Mr. MCCAIN and the speech by Mr. DOMENICI for not to exceed 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAUREEN MANSFIELD

Mr. BYRD. Mr. President, on Wednesday, September 20, the Senate lost one of its own family members. Not a member with a capital ''M,'' elected by the people, but an unpaid, unsung, but O so important member of the Senate family. On Wednesday, Maureen Mansfield, the beloved wife of former majority leader Mike Mansfield, passed away.

It is safe to say that without the efforts, energy, dedication, and love of Maureen Mansfield, the Senate and the people of Montana might never have benefited from the extraordinary talents of Mike Mansfield. Like myself, Mike was raised by an aunt and uncle after the death of his mother when he was just 3 years old. During the First World War, Mike Mansfield dropped out of school and joined the Navy, and he also served with the Army and the Marine Corps.

Upon his return to Montana, he worked as a mucker in the copper mines and did not resume the schooling he had left in the eighth grade.

Maureen, a high school teacher when her younger sister introduced her to Mike, encouraged him to return to school. She helped him to apply to Montana State University and helped him complete his high school equivalency courses before completing college. She cashed in her life insurance and worked as a social worker in order to support her husband in school. Then both of them went on to earn Master's degrees. Maureen Mansfield did not believe, and disproved, the old saw that you cannot change a man and that all efforts to do so are futile.

Mike Mansfield's congressional career also benefitted from Maureen Mansfield's support. Maureen would campaign for Mike in Montana, sometimes on her own when Mike could not get away from Washington. Mike Mansfield served five terms in the House before his first election to the Senate. In the Senate, Lyndon Johnson picked Mike for party whip.

In those days, it was different from what it is now because a leader would not pick another Member for the office of party whip. That is a matter that the Members will resolve.

Mike went on to serve as Majority Leader himself for sixteen years, longer than any other Senator. I served as his party whip. I continued to hold Mike Mansfield in the highest respect. Mike and Maureen have always been good friends to me and Erma, and we will both miss their companionship and the very deep affection and esteem with which they treated each other, and which sustained them through 68 years of marriage.

Erma and I have 5 more years to go before we can say we have been married 68 years. But Mike and Maureen set an example as an exemplary creative family in that regard.

Mike Mansfield never lost his appreciation for his wife's support. He always readily gave Maureen the credit that he felt she was due and which I, having enjoyed the same kind of love and support from my wife, readily endorse. These talented, organized, gracious women, such as Maureen Mansfield and Erma Byrd, could have commanded armies. They could have run universities or won Senate seats in their own right. But they chose instead to hitch their stars to the wagons of their husbands. And Mike Mansfield and I are definitely the better for it. I believe, too, that the nation is better off as result as well.

The demands of the Senate, particularly the demands placed upon Majority Leaders, are stressful, time-consuming, and exhausting. It is even more than a two-person job. I could concentrate on Senate matters knowing that Erma was there at home to support me and to give the love, affection, and attention to our two daughters that they so much deserved. I am here to say that one old adage is certainly true, and we have all heard it many times. That is, behind any great man is an even greater woman. To the extent that I ever wanted to be great, I have been denied that. But I can say that I have Erma to thank for whatever I have been able to accomplish. I know Mike Mansfield would say the same about Maureen.

Now that Maureen has found new life in the shelter of God's hand, I hope that Mike, his daughter Anne, and his granddaughter might sympathize with the words of ''The Beyond,'' penned by Ella Wheeler Wilcox (1855–1919):

It seemeth such a little way to me,
Across to that strange country, the Beyond;
And yet, not strange, for it has grown to be
The home of those of whom I am so fond;
They make it seem familiar and most dear,
As journeying friends bring distant countries near.

And so for me there is no sting to death,
And so the grave has lost its victory;
It is but crossing with bated breath
And white, set face, a little strip of sea,
To find the loved ones waiting on the shore,
More beautiful, more precious than before.

We miss her here, but she surely waits for Mike.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, first, I want to congratulate Senator BYRD on his comments with regard to the very distinguished Mike Mansfield, and what happened to him recently with the passing of his beautiful and wonderful wife. I, too, in reading about him—I didn't experience as much of him as the Senator from West Virginia did—but he did things in a rather sensational and unique way.

Even though I didn't know him as long as the Senator from West Virginia, and didn't feel his presence as much, he is a very wonderful American.

Can you imagine in his early life what he did, how he became educated and found himself majority leader of the Senate? He did that for a long time, and is still the recordholder.

Mr. BYRD. He is. He was majority leader longer than any other Senator.

Mr. DOMENICI. Frankly, from what I understand, he did it with a very cool hand. Maybe it was different in those days. It was less confrontational than today, as I understand it—with no criticism and no inferences; just that it was different when he was leading.

Mr. BYRD. We were in very different times, and we were dealing with different personalities. He was a remarkable man, however.

I thank the very distinguished senior Senator from New Mexico for his words.

Mr. DOMENICI. I thank the Senator.

THE GORE BUDGET

Mr. DOMENICI. Mr. President, yesterday, and maybe two previous occasions on the Senate floor, I discussed the Gore budget and what is going to happen to the huge amount of money that we are getting from the taxpayers, which we have begun to call a ''surplus.'' I choose now to call it the ''tax overpayment.'' It is what the people are paying in that we don't need.

I would like to, once again, make sure the Republican candidate for President, George W. Bush, and the candidate for Vice President—who last night did such a marvelous job—the distinguished former Secretary of Defense, Dick Cheney—I urge them to continue to tell the American people what the Gore budget will look like.

When it is mentioned, everybody says this came from the Budget Committee staff and the Republicans, and, therefore, you shouldn't use it; that it is partisan; that it is like paper that is not even worth using.

I say to our two candidates, keep using it. Keep saying it is true because they are about as good as any people we have ever had to look at budgets. I am chairman of that committee, and, frankly, I have relied on their expertise year after year. I don't think I have to exaggerate and say they are the best. They are the best at getting to the bottom of programs and analyzing them. I asked them to do it. They did it. They gave us a major report on the subject, and I will say to our candidate—to the Governor of Texas, to the former Secretary of Defense, Dick Cheney—no matter what they say about it, you use it.

The Gore budget has 200 new programs in it. If you estimate appropriately their cost based upon what is said about the program, you cannot pay for those programs without using all of the on-budget surplus and $700 to $900 billion of the Social Security surplus.

Now, that is our version. We think it is true. And we don't believe the American people actually think when you finally have a surplus—because we are paying so much more in taxes than we need—we don't think the American people want the Government to grow at the largest rate in modern history. Probably if you put the Gore expenditure budget into effect, you will increase Government in 1 to 2 years, more than any modern year, excepting maybe the Lyndon Johnson Great Society years.

Now, it doesn't matter to me as the chairman of the Budget Committee what Vice President GORE says about these figures, nor what our distinguished Senator from Connecticut, Vice Presidential nominee who I have great, great respect for, it doesn't matter what they keep saying. The truth is, we have an analysis of that budget. Early next week we will have a full analysis. They finally put their budget on to sheets of paper. It is a very large budget. We will finally have that analyzed. I am told it will come out no different. It will come out the same way, 200-plus new programs, the largest new expenditure in the next 5 years that we have ever had in the Government. If you take them at their word and do all of them, you cannot do it without spending part of the Social Security surplus. No matter what they say about its source, it is as good as anything they have.

I have great respect for the Vice Presidential nominee. He knows that. Last night he said something that wasn't true, and I ask him to revisit this. He said their budget, the budget they have, analyzed for the future, was done by a neutral body called the Congressional Budget Office. That is to make sure that everybody would think it is authentic and that the Domenici budget analysis is not authentic. I assure everyone, the Congressional Budget Office does not do an analysis of either candidate's budget. In fact, that is not within their prerogative. They have not analyzed the Gore budget. They have not analyzed the budget of the Governor of Texas, either. And they won't.

The Democrats have somebody analyzing theirs, watching out for them, who is on their team, and they want everybody to think ours, and the majority staff has worked on this for years, they want everyone to believe it has no credibility. I think to the contrary.

My friend Dick Cheney will be in my State in a few days. I hope he talks about this subject. Let them bring up the fact that Democrats don't think it is worth very much. We will make sure the public understands we have as good an analysis as anyone. If the Democratic nominee for President does every program he contemplates—there are some that are superexpensive. There are some universal programs in there that will never get adopted by Congress, but we might as well make sure the public understands they are expected, they are contemplated, they are out there to tell the people, elect us and we will do all these things.

That is part of my reason for coming to the floor, so anyone who wonders whether that is authentic, I can assure Members, I will not give ground on this through the election and after the election. I believe it is right. I think our candidates ought to use it.

Now I will talk about the so-called Al Gore tax cut plan and the George W. Bush plan. I don't know if I have enough time today to go through the George W. Bush plan, which is very simple. I am not sure I can do that because today I want to talk a little bit about a rather unique way to cut taxes, or allege you are cutting taxes, for middle-income America when you are not.

If there is a middle-income American who happens to be listening, and they say, oh, boy, Vice President GORE has spoken so much about giving the middle class a tax cut, I will get a tax cut—my friends, you are not necessarily going to get the tax cut. The Gore plan says the Internal Revenue Service will decide whether you get a tax cut. And you are going to apply for it when you file your tax return, and if you are a family, you have to go through up to 25 different tests with the Internal Revenue Service to determine what you are entitled to. In fact, if the people think the Internal Revenue Code is complicated, and IRS is not doing a good job, then remember that every single so-called tax cut that Vice President GORE is telling you about is going to be administered by the Internal Revenue Service, which is going to pass judgment on whether you are entitled to one of the scores of tax credits or other tax benefits. Let me go further, the IRS will determine what tax refunds or government check you are entitled to, because under Vice President GORE's plan not only taxpayers get tax breaks, people who pay no taxes get government checks.

People will fill out their federal tax return. They will find a check in the mail from the Internal Revenue Service, even though they pay no taxes.

That is part of his tax plan. The part for middle Americans, middle-income Americans, you cannot just file your tax return and say, I am a middle-income American earning $65,000, and I want my 5-percent tax cut, or 7 or 10, you have to ask yourself if you qualify for a tax credit or a refundable tax credit under this plan. There are all kinds of reasons you might get some tax relief, but they are all going to administered by the Internal Revenue Service.

Isn't that nice? So if you apply, and the IRS agrees, you get to use your tax money. If you apply and if you fit, you get to use your taxpayer dollars for a certain specified purpose.

The most significant difference in the two men's tax proposals is that George W. Bush gives you a tax refund and you can spend it for whatever you want. The Vice President, the nominee from the Democratic Party, gives you no tax cut to spend as you may. Since it is your money, you have to qualify as if you were under a Federal program.

GORE wants to imbed social policy of the country into the tax code. We are substituting the Internal Revenue Service as the one that gets to see whether or not you are going to be able to have these particular services paid for by the Federal Government. I cannot believe when the American people understand this that they are going to say they want that tax approach.

Let me repeat, in order to get all of the so-called Gore middle-class tax cut, a family has to meet 25 different tests, at least one for each of the 25 proposed pieces of the Gore Middle Class tax cut. That means if you don't meet the tests, you don't get any relief, any help. Wouldn't it be better to have a 5-percent or a 10-percent tax cut, and you use the money as you see fit, if you are $67,000, a $72,000 family or $35,000 or $40,000? You have to understand or try to understand and then comply with 25 sets of rules before you see $1 of so-called tax relief.

I thought tax policy was supposed to be neutral. The best tax policy does not try to engineer social behavior. I didn't think it was supposed to be the vehicle by which you ran scores of social programs and you told Americans if you want that program, you can pay for it and we will give you the money; but if you don't want that program, you don't get any tax relief.

GORE proposes to substitute the Internal Revenue Service for a score of Government programs. Instead of saying let's create a new federal program in this area with Government, AL GORE says file a tax return, and if you fit the cookie cutter profile, you can help your great grandmother who is sick—you get some of your tax overpayment back to help pay some of those expenses. The Government will help you. It will not help you with a program, it will help you so that you will get a piece of the taxes you pay refunded—or deducted.

This is not a step toward tax simplification. It will make the Tax Code more complicated. If it is too complicated today, it will become even more complicated. I think it would not take 3 or 4 years before the American people will force us to throw it out. But I do not think it will ever become law.

Some of the tax cuts are not even for taxpayers, much less for middle-class Americans. Because of the income limits, many people who think they are middle class are left totally out because they earn too much money to pigeonholed into AL GORE's ''middle class,'' or to be entitled to one of the myriad tax credits the Vice President suggests is good tax policy.

A refundable tax credit is Tax Code talk for Government checks to people who do not pay Federal income taxes. It sounds more like a way to have some welfare spending and use the income tax code to administer it. There is only one refundable credit in the code now, and many believe it is one too many. But I do not believe almost all of the entire surplus that is going to go to taxpayers ought to be done in this way, with refundable tax credits going to people who pay no federal income tax so long as the person does what the Vice President thinks you ought to do with your money. Refundable child care credits, refundable day care, refundable after school care—all specific and all already covered in the Earned Income tax credit. You don't have to be a taxpayer to get a so-called middle-income tax cut for child care, family leave, or stay-at-home parents or kids in afterschool care, or expanding the earned-income tax credit. More spending programs dressed up as tax cuts will be there for those who do not pay any taxes.

In addition to refundable credits, the Vice President proposes initiates that this Administration has vetoed. For instance, tuition savings accounts are listed now as one of those things in the long list of things that you might put your money away for and get some tax relief. AL GORE says he would like to enact them. Interesting; this administration vetoed that bill for them more than once.

The Vice President says he is for marriage penalty relief yet the Administration vetoed the bill providing it. The Vice President's proposal is curious. Let me say there is no marriage penalty relief if you own your own home and pay a mortgage. Isn't that interesting? This administration boasts record numbers of American homeowners. Yet, they will not give a dollar of marriage tax penalty relief to people who own homes and pay mortgages, again, using the Tax Code for social approaches in the United States. Perhaps the reason for this one is there are too many people who are building too many homes, and maybe we ought to slow it down.

There is a tax credit for individual health insurance. Yet you get part of the middle-income tax cut if you need additional training, or certification programs. That is a separate notion in their Tax Code.

So, today, I would like to start a series of discussions which I will bring to the floor regularly. The next one will be: What is the George Bush tax plan. The next time I come, I will include in the RECORD the entirety of Vice President GORE's so-called middle-income tax relief. I will bring the entire list. You might say: Why are you bringing a list? Isn't a middle-income tax cut just a percentage, just a cut?

No; it is myriad programs. If you do not qualify as having done one of those, or choose to do one of them, you do not get tax credits nor refundable tax credits. That is a very new way to run America.

We are going to expand those beyond recognition. The most significant one we have now is the earned-income tax credit. It is refundable. A lot of people who pay no federal income tax get a check from the federal government under the Earned Income Tax Credit program. It is an encouragement for low-income workers to work—although we have changed that, where you do not have to work. But, just think, we have a few of them. The entire middle-income tax proposal of the Vice President is going to be specific things that specific Americans qualify for or they do not get any tax relief.

Essentially, I am going to close saying the most significant aspect of the Bush tax cut is that the 15-percent bracket is cut to 10. This is a tax cut for taxpayers. That encompasses almost the entirety of the tax cuts—15 percent at the bottom goes to 10. But, you see, everybody at every bracket pays taxes on some of their income at the lowest rate—15-percent bracket. So cutting the lowest rate helps all taxpayers. It is very simple. You get it because of the tax bracket and whatever other things are in the current Tax Code.

I repeat, there is much talk about the top 1 percent. The top 1 percent pays 33 percent of the taxes in America. When the Bush plan is completed they will pay 34 percent of the total tax take of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

UNANIMOUS CONSENT REQUEST—S. 3059

Mr. MCCAIN. Mr. President, I would like to use 4 or 5 of those minutes in case someone who might object to the unanimous consent agreement would have time to come to the floor. I would like to say, within about 5 minutes I am going to try to get the unanimous consent agreement again.

Mr. President, this is from October 9, 2000, a copy of Newsweek magazine:

At first, the death of 14-year-old cheerleader Jessica LeAnn Taylor seemed simply to be a tragic tire failure. While heading for a football game in Mexia, Texas, on a hot October afternoon in 1998, the Ford Explorer in which Taylor was riding flipped after its left rear Firestone tire shredded at 70 miles an hour. Jessica's grieving parents sued Bridgestone/Firestone in March 1999. But over the last two months, as congressional investigators probed the recall of 6.5 million Firestone tires, the Taylors became convinced that Ford Motor Co. shares the blame for their daughter's death. So late last month the Taylors sued Ford, too, and when the case goes to trial next spring, the Taylors' lawyer Randy Roberts says he will tell the jury: ''A piece of tire tread never killed anybody. People die when the vehicle rolls over. And the responsibility for the design and occupant protection of that vehicle belongs to Ford.''

Since the safety crisis began, Ford executives have argued the recall was strictly a ''tire issue.'' But as the death toll mounts to 101 lives, [it has exceeded that since then] questions about the stability of the Explorer are shifting the focus onto Ford. The carmaker is facing 80 lawsuits involving Explorers equipped with Firestones that shred at high speeds. Meanwhile, Firestone is consistently trying to blame Ford. ''We could remove every one of our tires from the Explorer, and rollovers and serious accidents will continue,'' Firestone executive John Lampe told a congressional panel.

Mr. MCCAIN. Mr. President, there have been well over 100 deaths. Last weekend, a 10-year-old boy was killed when the driver of a Firestone-equipped Explorer had an accident near Laredo, TX. Authorities said at least one of the tires was shredded.

I am not going to repeat every human tragedy that takes place here.

But we passed a bill out of the Commerce Committee on a 20–0 vote. The majority leader is a member of that committee. He supported it. All Republican members had an opportunity to amend it, as well as those on the other side of the aisle.

I would like to repeat; I have a letter from the Secretary of Transportation. In the last paragraph, he says:

> Most important, however, is expeditious action on comprehensive legislation that will strengthen NHTSA's ability to address life-threatening motor vehicle safety defects. I will work with you in any way I can to help shape legislation the Congress can approve and the President can sign into law.
> Sincerely, Rodney Slater.

Mr. President, the Members of the House of Representatives are here to meet with me. They just passed a bill through the House, 42–0, from their committee.

They are prepared to take it to the floor of the House on Tuesday, is my understanding from Chairman TAUZIN and Congressman Upton. Congressman UPTON, by the way, as we all know, is from a State where the vehicles under question are manufactured and one of the reasons he has taken a lead role here.

I hope we can get this agreement. I emphasize again my commitment to the Presiding Officer, the Senator from Alabama, to work with him on serious concerns that he has about this issue. I assure the Senator from Alabama, again, my respect for him, his experience as former attorney general of his State, and I believe his views and his input will be very important.

Also, in this unanimous consent request, there is no time limit and only relevant amendments are in order. It would be fairly easy, the way the Senate works, in the remaining days—because my understanding is now we will not be back until next Wednesday—it would be fairly easy to block this legislation, although I certainly hope that will not be the case.

Again, I thank the Senator from Alabama for his consideration of this issue.

Mr. President, I ask unanimous consent that it now be in order for the majority leader and the Democratic leader to determine the specific time and date for the consideration of S. 3059 and that only relevant amendments to the bill be in order.

The PRESIDING OFFICER. Is there objection?

Mr. VOINOVICH. Mr. President, I reserve the right to object and I shall not object, but I would like to engage in a discussion with the Senator from Arizona. I have some substantive concerns about this bill and I and my staff need some time to review the bill. I have concerns that if we are going to impose criminal penalties in this area, that standard for triggering these penalties is a clear bright line. I am also concerned that the reporting requirements as outlined presently are over broad and unworkable. I am very concerned about safety and want to ensure that we enact solid workable legislation to protect people. I am not trying to stop this bill, just ensure that it is solid, clean, well thought through legislation.

Mr. MCCAIN. I appreciate the concerns of the Senator from Ohio and I respect his right to object. I intend to work with the Senator to resolve his concerns either before we move the bill or through the amendment process. As I have said from the beginning, all I am seeking is an opportunity for the Senate to address this matter before we adjourn.

Mr. DOMENICI. Mr. President, reserving the right to object, I will say to my friend from Arizona, I have been asked by a number of Senators who cannot be here at this hour to object in their behalf. So I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I was told by the majority leader that if Senators had objections, they would come to the floor themselves. That was the word I had from the majority leader, that those who had objections would come themselves. I have his word on that, so I took his word.

I think the Senator from New Mexico should know that was the word I was given by the majority leader of the Senate; That they would have to come down and object to this unanimous consent request themselves. So I hope the Senator from New Mexico will withdraw his objection.

Mr. DOMENICI. Mr. President, I say again to my distinguished friend from Arizona, I have no such understanding and representatives on the floor of the majority leader's office have asked me to do this.

Mr. MCCAIN. I thank the Senator from New Mexico.

Will the Senator from New Mexico, for the RECORD, say which Member or Members are objecting to this legislation?

Mr. DOMENICI. I do not believe I have to and I will not do that.

Mr. MCCAIN. I did not imply the Senator had to.

Mr. DOMENICI. I understand that. I have been asked to do this. You have asked a number of times, and the objection has been raised just as I am raising it. I regret I have to do it. I am not here suggesting you have not taken due diligence in producing this bill. I am saying in the waning moments of this session, this is what I have been asked to do, and I must object.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is of interest that the Members on the other side of the aisle have no objection to moving forward with this legislation, this unanimous consent request. Therefore, I intend to continue to propound the unanimous consent request as long as it seems there might be some way to do so.

I say to the Senator from New Mexico—and I say this more in sorrow than anger—by objecting, you do take responsibility in not allowing this legislation to go forward, and I regret that deeply.

Mr. President, I suggest the absence of a quorum.

Mr. DOMENICI. Before the Senator does that, I ask for 1 minute.

The PRESIDING OFFICER. Does the Senator from Arizona withhold?

Mr. MCCAIN. I withhold.

Mr. DOMENICI. I thank you for your comments. I do not agree with you with reference to my responsibility, but I think we know each other well enough. I know what I had to do, and I know where my responsibility lies, but I thank you very much.

Mr. MCCAIN. I thank you for your response. The fact is, the Senator from New Mexico lodged the objection.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, will the distinguished Senator withhold his suggestion and allow me to complete some remarks?

Mr. MCCAIN. Absolutely.

Mr. BYRD. I thank the distinguished Senator.

THE SENATE SAYS GOODBYE TO SENATOR J. ROBERT KERREY

Mr. BYRD. Mr. President, in this season of fall, the view from our window on the world transforms. As the stoic Greek philosopher Heraclitus has been quoted as saying, ''Nothing endures but change.''

Since I became a Senator in 1959, I have observed that every 2 years the picture of the United States Senate also changes. This year will be no exception. Before we adjourn, we will wish a fond farewell to the men who have chosen to leave the hallowed halls of the Capitol to travel down new roads that will bring different vistas into view.

Five of our fellow Senators know, even before the election results are tallied in November, that come January 2001—the beginning of the 21st century and the beginning of the third millennium—they will be starting out on a new journey. One of these five has announced that he will take a position that will allow him to continue his advocacy for a fine and noble pursuit, the pursuit of education. In January, Senator BOB KERREY, the Senior Senator from Nebraska, but the youngest Senator who has announced his retirement from the Senate this session, will begin a new life, far from his native Omaha, as president of the New School University of New York City. There he certainly will have a different view from his window on the world, a much different view than the one we see from Capitol Hill.

While many of us were surprised by Senator KERREY's decision not to seek reelection at the youthful age of 57

years, setting off on new adventures is nothing new to Senator KERREY, who has already followed many different paths during his lifetime. While serving in the Senate, BOB KERREY has never feared to take the path less trodden, to follow his convictions and his principles no matter how rocky or lonely the road. His independence of thought and action is legendary.

After earning a Master of Science degree in pharmacy in 1966 from the University of Nebraska, he volunteered for military service in Vietnam. Not only did he volunteer to bear arms for our Nation, he distinguished himself during service. He earned a Bronze Star, a Purple Heart, and as a U.S. Navy SEAL. In doing so, BOB KERREY displayed such courage, dedication, and heroism that he was awarded the Medal of Honor by President Nixon.

In March 1999, on the occasion of the 30th anniversary of the events giving rise to his receiving the Medal of Honor, I joined with my colleagues in the Senate to salute him for his courage, his determination, and his heroism. His heroic story is inspiring.

After Senator KERREY's return from service as a U.S. Navy SEAL, he started a chain of restaurants and health clubs in his home State of Nebraska. Then, in 1982, he ran for Governor of Nebraska and won. He served as Governor of Nebraska until 1986, when he announced, to the surprise of many, that despite a 70-percent approval rating, he would not seek another term as Governor. He was prepared to take a turn down a different road, and 2 years later, he won a seat in the United States Senate.

When his face was added to the Senate picture in 1989, he became a member of the Senate Committee on Appropriations. It was my pleasure to welcome him, as I was chairman of that committee at that time. I appreciated the clear vision and the unflappable demeanor that Senator KERREY brought to the committee. In 1997, he chose to leave the Appropriations Committee for the Senate Committee on Finance. The countenance of that important committee will drastically change when we return, God willing, in January, after Senators MOYNIHAN, BRYAN, KERREY, and MACK depart from the Senate, of their own volition and on their own choice.

I commend Senator KERREY for his willingness to work hard on issues of interest to him and to his constituents.

During his 57 years of life, he has thus far been a scholar, a U.S. Navy SEAL, a Medal of Honor recipient, a scholar, a restauranteur, a fitness club founder, Governor of Nebraska, and a United States Senator. He has made his life unique. I wish the Senator from Nebraska well as he sets off down the path for his next adventure. Knowing Senator KERREY's propensity for taking his own road, I shall close with the following lines of verse written by Robert Frost. We are all familiar with that great poem, ''The Road Not Taken.''

THE ROAD NOT TAKEN

Two roads diverged in a yellow wood,
And sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
To where it bent in the undergrowth;
Then took the other, as just as fair,
And having perhaps the better claim,
Because it was grassy and wanted wear;
Though as for that the passing there
Had worn them really about the same,
And both that morning equally lay
In leaves no step had trodden black.
Oh, I kept the first for another day!
Yet knowing how way leads on to way,
I doubted if I should ever come back.
I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I—
I took the one less traveled by,
And that has made all the difference.

PLANNING FOR OUR ENERGY FUTURE

Mr. BYRD. Mr. President, once again a critical region of the Middle East is engaged in violent clashes. Over the last week, the death toll in the Gaza Strip and the West Bank has risen to 67 lives lost. I know that Prime Minister Ehud Barak and PLO Leader Yasser Arafat made heroic efforts to try to reach a peace agreement these last few months. They even met for part of the time in my own State of West Virginia. With U.S. support and encouragement, the Israelis and Palestinians stood at the brink of a resolution, and they were as close as they have ever been to resolving a very longstanding dispute in that ancient, volatile, and embattled part of our world. Though I hope these two peoples will return to the negotiating table, today that opportunity appears lost.

This disheartening incident again illustrates that the Middle East peace is very fragile and could erupt like flash powder. While Saddam Hussein has been quelled for the time being, the world must always be on the watch. We do not know if the Israelis and Palestinians will reach a peace accord. Americans are affected in many ways. We have security and family interests in this region of the world, and the United States gets much of its energy resources from there as well. The U.S., our European allies, and many other industrial countries are tethered to the Middle Eastern oil chain. If we are ever going to break that stranglehold, then it is time that we take action here at home.

Over the past 18 months, the national average price of gasoline has risen from under $1 per gallon to $1.52 per gallon this week. As winter approaches and crude oil inventories remain at record low levels, both gasoline and fuel prices are expected to increase further. Americans are growing increasingly concerned about the seemingly endless volatility in our energy markets.

What we are seeing, Mr. President, in the fluctuation of energy prices is a textbook study of how supply and demand can affect energy prices. First, the Organization of Petroleum Exporting Countries agreed last year to reduce crude oil production, thus increasing the cost of producing gasoline. Secondly, gasoline refineries, which had shut down some operations when crude oil prices fell to record lows in 1998, suddenly faced shortages of production capacity to produce gasoline and heating oil when demand spiked earlier this year.

In response, the administration has successfully lobbied for an increase by OPEC in crude oil production over the past year. In March, OPEC's decision to increase crude oil production temporarily reduced the cost of gasoline, but prices increased again going into the summer driving season as demand for gasoline increased. Gasoline prices decreased in late summer, but, as winter approaches and the expected demand for crude oil, heating oil, and gasoline increases, prices could very likely climb again. These are the ups and downs of the energy roller coaster that has taken the American public for a ride.

To make matters worse, this volatility in gasoline prices is occurring as the United States prepares itself for the upcoming Presidential election. This has added fuel to the fire as Members of Congress, the administration, and politicians everywhere position themselves politically to avoid blame for the spike in energy prices. Unfortunately, such positioning is usually accompanied by a myriad of snake-oil remedies and miracle cures that do little more than lull the American public into believing that the problem is being fixed when, in fact, the problem is being exacerbated.

Two weeks ago, the administration announced such a proposal, against the better judgment of the U.S. Treasury Secretary and the Chairman of the Federal Reserve, that would authorize the sale of 30 million barrels of crude oil from the Strategic Petroleum Reserve over the next month. This is the same petroleum reserve that was created in response to the 1973 Arab oil embargo to store oil in case of a national emergency, such as a war in the Middle East. Like the Army, you hope never to use the reserve. But, if you need to, it should be big enough to do the job.

Yet, the release of oil from this reserve is unlikely to have a significant effect on prices at the pump. The United States consumes approximately 19 million to 20 million barrels of crude oil per day. The administration's proposal would provide for an additional one million barrels per day. Such a small amount of oil is unlikely to have much of an effect on gasoline prices, especially in light of the additional 800,000 barrels per day of crude oil that will be produced by OPEC.

But what is worse is that this sort of intervention in the domestic energy market, which may seem simple, could actually be self defeating. If refiners expect more oil to be released from the reserve, these shrewd businessmen may

hold off on buying more crude oil to produce gasoline and heating oil until the price of crude oil decreases, which would make it more profitable to them, not to mention the oil companies that have posted strong profits this year. Similarly, OPEC could easily offset any benefits from the release of crude oil from the reserve by reducing its own production by an equal amount.

So, I am not sure that Americans should breathe a collective sigh of relief at this announcement regarding releases from the Strategic Petroleum Reserve. It might be good public relations but not a good faith effort to reduce prices. A similar ''fix all, miracle cure'' was offered this spring in response to high oil prices. Some Members of Congress proposed reducing the federal excise tax on gasoline in order to reduce prices at the pump. In their rush to score political points, the proposal was brought to the Senate floor for a vote twice in April—once as an amendment to the fiscal year 2001 budget resolution and again as a free-standing bill. Both times, a sensible majority in the Senate voted not to repeal the gasoline tax by substantial majorities. I am proud that so many of my colleagues refused to swallow this patent nostrum, realizing that first, the savings from the excise tax repeal would not filter down to the consumer, and, second, that a reduction in the excise tax would have a significantly negative effect on the highway trust fund. Presumably, the sponsors of this dangerous proposition were going to provide tax relief to these oil and gas companies and delay highway projects just to make a political point. It is time to get beyond this campaign hysteria and last-minute gimmickery. These current concerns are really just symptoms of a larger problem.

Mr. President, I would also be remiss if I did not raise disturbing evidence that oil companies are sending our own oil overseas. On average, 50,000 to 90,000 barrels of oil per day have been exported to the Asian Pacific Region from Alaska's Northern Slope after an export ban was lifted in 1995. This output equaled about 27 million barrels in 1999. Why are we exporting oil from Alaska to countries like South Korea, Japan, Taiwan, and China when we face shortages at home? Are the same voices advocating for increased production in Alaska also supporting the export of oil overseas while simultaneously criticizing the recent release from the Strategic Petroleum Reserve? These voices are singing the siren song for increased oil company profits, not the hallelujah chorus of relief for the average American.

So here we are today caught in a black hole that will do little to move us down the road toward developing a sustainable energy policy. Just last week, a motion was made to proceed to S. 2557. I believe that we should be deliberating proposals on energy security. I also believe that we should not forget that there are other measures out there that should be given equal attention. While this bill may have some valid energy policy provisions, so do many other proposals. I note for the record, that Senator DASCHLE began an effort over two years ago to construct an energy security package. This effort, which I have cosponsored, addresses a number of important energy resources and industries. If Senators wish to support greater energy independence and encourage cleaner, more efficient technologies, then I urge them to also look at S. 2904, the Energy Security Tax and Policy Act of 2000.

We need to be talking about very complicated and critical energy matters, asking what role and responsibility we all must play. What is OPEC doing? What are the oil and gas companies doing? What is the administration doing? What is Congress doing? What are we doing individually?

My call for a comprehensive national energy policy is longstanding. On May 14, 1984, I took to the Floor with a warning that America should not be so dependent on Persian Gulf oil. At that time, the Reagan Administration was trying to eliminate the Department of Energy and its many energy programs. I argued that this was a wrongheaded approach and that short-term budget concerns should not dominate longer-term national security interests. At that time, I said: ''Our energy security rests upon our military might, not upon our natural resources, nor our technological genius.''

In another floor statement from August 6, 1987, I noted how the Reagan administration was continuing to undercut funding for the fossil, renewable, and synthetic fuels programs. That administration had slashed spending for energy conservation programs and vetoed legislation to provide for emergency preparedness and national appliance efficiency standards. Additionally, the Reagan administration was even balking at filling—not using—but filling the Strategic Petroleum Reserve. In reviewing that August 1987 speech, I warned:

> Why must the energy security of the United States be protected first with guns and not with brains or our homegrown natural resources? . . . The Reagan Administration's destruction of the Nation's long-term energy policies—policies that have been developed and promoted by every Administration since President Nixon—is imperiling America's energy security.

What can Congress do to find some common ground? Energy security and energy independence are a critical national, in fact, a critical international issue. Congress should find beneficial proposals and move forward on passing legislation in the 107th Congress that will get the job done. We should be looking at a variety of opportunities.

Let me offer one example from the recent past. Several weeks ago, while the Senate was debating the bill to grant China permanent normal trade relations, I offered an amendment to increase the use of American-made clean energy technologies in China. No Senator argued against this amendment on its merits. I believe that if a proposal like this were offered on another bill, then it could very likely have passed by an overwhelming margin and would be a win-win-win opportunity for business, labor, and the environment. I say to my colleagues, knowing that a multi-trillion dollar clean energy and environmental infrastructure market will be exploding in the coming decades, we should be taking every opportunity to promote market-based initiatives to deploy these American-made clean energy technologies at home and export these same technologies to developing countries as soon as possible.

Still, I realize that an effective energy strategy will require much debate and a good bit of negotiation. This is not something that can be resolved by depending on any one approach, technology, or resource. There are many serious questions that must be examined when considering our energy choices. We must consider the pros and cons of each of our energy resources and ask the following questions. With regard to oil and natural gas, how can the U.S. decrease its dependence on foreign producers by increasing domestic production while also ensuring that environmental protection and conservation are promoted? Regarding nuclear energy, is it possible for the U.S. to continue utilizing our existing nuclear energy facilities while also finding a workable solution to the problem of nuclear waste? Can the U.S. find ways to decrease the price for renewable technologies like wind, solar, geothermal, and biomass in a very competitive energy market? Is it possible to reconcile the conflicts regarding hydroelectric power and sustainable fisheries? How can the U.S. continue to use coal while ensuring that the air and water are made even cleaner? Finally, how can American businesses and individuals use all of these energy resources more wisely and find ways to reduce greenhouse gas emissions? No one industry, no one resource, no one technology, no one approach is going to provide that one silver bullet to fix our energy security problems!

Our long-term energy security interest goes far beyond the current price hikes in gasoline, diesel, home heating oil, or electricity. I fear that, as a nation, we are falling asleep at the wheel. We need policies that buffer our economy and our people from decisions made by foreign suppliers. It is time to focus on increased research and development into advanced technologies, energy efficiency and conservation measures, and market-based incentives to rapidly move these advanced technologies and conservation measures from the lab to the field. I believe that a comprehensive national energy strategy can do all of this and incorporate a strong environmental strategy as well.

Therefore, what would a comprehensive national energy strategy include?

Let me suggest a framework that I believe would help Congress craft such an energy policy. We must look at developing all of our energy resource sectors—fossil, nuclear, and renewables. A comprehensive plan must include improved measures for all of the major energy consuming sectors—the transportation, manufacturing, residential, and commercial sectors. A national energy plan needs to address the development and the conservation of our resources. It does no good to be producing more of our energy at home if we are not making further progress to conserve energy as well, especially in a growing economy. We need to develop an effective pipeline for the development of more advanced energy technologies. This will demand that more money and effort must be devoted to research and development, demonstration, and, ultimately, deployment in the market place. This energy strategy must be sound economically and environmentally. We must examine actions that can be taken now as well as actions for the long-term. Finally, while taking these steps domestically, we should also be finding ways that we can increase the export of American-made clean energy technologies to other countries that need these technologies just as much as we do.

As many of my colleagues know, I have been working for many years to provide funding for a range of clean energy technologies. I note that two of these 21st century clean energy technologies, the Clean Coal and fuel cell programs, are being centered at our nation's newest national laboratory, the National Energy Technology Laboratory in Morgantown, WV and Pittsburgh, PA and I believe that Congress should continue to support critical efforts like these in the future.

These are 21st century clean energy technologies—not because this is the 21st century, it is not, until next year. But we are talking about technologies that extend into the future.

These technologies are essential for growing our economy while also ensuring that environmental improvements, energy security, public health, and air and water quality are met. I have been working for 15 years on the Clean Coal Technology Program, and I believe that it is possible to bring together several complementary and mutually beneficial proposals. Let me outline a framework for coal and Clean Coal Technologies that I believe should be included in an energy security bill in the 107th Congress. This package must be bipartisan, and I look forward to working with my Democratic and Republican colleagues who have supported this effort like Senator DASCHLE, Senator MCCONNELL, and others.

Senator LOTT's bill, S. 2557, has requested a report from the Department of Energy regarding coal and the development of an effective research, development, and demonstration program. I agree it is time to do a more comprehensive study of Clean Coal Technologies. Among other steps, the Department of Energy should work with the private sector on a study to find ways for achieving higher performance goals and should recommend a road map for the development of these new technologies. The Congress should also consider authorizing additional funding to carry out a more advanced research, development, and demonstration program to achieve these ends. I will certainly put my shoulder to the appropriations wheel in an effort to assist in this regard.

A comprehensive energy package should also include a provision to promote the commercialization of Clean Coal Technologies, similar to that included in S. 2904. This provision, which I and other Senators support, would help to establish incentives to increase the deployment of these advanced Clean Coal Technologies now and in the future.

Finally, it is time that the U.S. turn its attention to the current fleet of coal-fired power plants. These coal-fired powerplants generate approximately 56 percent of our Nation's electricity and are the work horses of our electric generating capacity.

Up here is part of the work. Take a look at the lights in the ceiling. When the curtains of night fall, look at the lights at the top of the Capitol and across both sides of the Capitol, and pause to think that those lights are burning because coal is still being mined.

It is time that we examine market-based incentives to make emission reductions and efficiency improvements for the existing fleet of coal-fired electric power generation.

I believe that Americans witnessed a healthy discussion about our Nation's energy security at Tuesday night's presidential debate between Vice President GORE and Governor Bush. Both candidates put forward their views on how the U.S. can effectively develop a comprehensive national energy policy. Each candidate made what I believe signify complementary goals regarding a comprehensive energy policy. Principally, Governor Bush expressed his belief that the U.S. should take additional steps to increase the availability of our domestic energy resources, and Vice President GORE asserted that the U.S. should also find ways to decrease our energy consumption. Additionally, and particularly, I welcome the comments by both Presidential candidates regarding clean coal technologies.

I have to say that this present administration and some of the budgets that have come to the Hill have sought to defer funding on clean coal technology, and even this year sought to rescind some of the money. That is going in the wrong direction.

The Vice President, in his September 14, 2000, letter to United Mine Workers President Cecil Roberts remarked, ''I strongly support accelerating the development and deployment of technologies that will allow us to use coal in cleaner and more efficient ways.'' Following his announced support for clean coal technologies at a campaign stop in Huntington, WV a day before, Governor Bush also voiced his support at the debate by saying, ''I want to develop the coal resources in America and have clean coal technologies.'' Responding to those comments by Governor Bush, Vice President GORE said, ''I strongly support new investments in clean coal technology.'' I am heartened by the comments of both candidates, and I hope that the next administration will be a strong advocate for the increased research and development, demonstration, and deployment of these clean coal technologies in the coming years. The next administration has an obligation to follow through on those commitments to help America's coal miners, develop our own resources and technologies, and to deploy these clean coal technologies in the market at home and abroad. If we want to have a national energy strategy, then we must sit down together and put all of our interests on the table.

I heard a great deal of talk by both Presidential candidates in that debate about what each is going to do. Each is going to do this and each is going to do that, and this is going to happen and that is going to happen. Very little mention was made in that debate about Congress.

Congress has to be a partner in carrying out whatever plans the winning candidate may have in this respect and in other respects. So don't leave out Congress, my friends. Congress is very much a partner. I hope both candidates will recognize that in their future debates. They will think of Congress because it takes help from Congress, because Congress is made up of the elected representatives of the people. You have to have Congress on your side, whoever becomes President. We will sit down together and put all of our interests on the table.

We should judge the success of our energy strategy by how it affects the average person. How will it benefit farmers, coal miners, home owners, and truck drivers? We need to help create more jobs and an even stronger economy and ensure that the U.S. does not quiver each time that OPEC tries to flex its muscles. We must not allow ourselves to be swayed by the winds of the current political movement. The American people are not fools. They realize that last-minute, short-term, quick-fix solutions do little to address the underlying problem: the need for comprehensive national energy policy. It is my hope that Congress will begin to take a serious look at energy security legislation in the 107th Congress. Mr. President, I stand ready to meet these challenges.

ON THE RETIREMENT OF SENATOR CONNIE MACK

Mr. BYRD. Mr. President, the distinguished Senator from Florida, CONNIE

MACK, has decided to retire from the Senate after serving two successful terms. This Senator from the Sunshine State has served his people and his country well.

Following graduation from the University of Florida with a Bachelor of Arts degree in Marketing, the young Senator-to-be began a successful sixteen-year career as a community banker. Quickly emerging as a local civic leader in Cape Coral, FL, he fought to ensure access to vital health care services in his community by leading the effort to build a local hospital.

Heeding the call of greater professional challenge, CONNIE MACK entered the political arena when he won election to the U.S. House of Representatives in 1982, a position he would occupy for the next six years. As a member of the House, he was recognized by U.S. News and World Report as one of the Nation's most effective ''rising political stars.'' His sincere dedication to public service and love for the art and the process of legislating further propelled him to seek and win a seat in the United States Senate.

It is obvious that his Florida constituents understand and appreciate the degree of skill, dedication, and integrity that Senator MACK has brought to his work. And, as Republican Conference Chairman and third-ranking member of the Senate Republican leadership, it is obvious that his Republican colleagues have understood and valued those qualities in Senator MACK as well.

In 1994, Senator MACK had the distinguished honor of being the first Republican in Florida history to be reelected to the U.S. Senate. He received 70 percent of the vote, more than any other Republican Senate candidate in the nation. In that same year, Senator MACK was named by Campaigns and Elections magazine as one of the 20 most popular elected officials in America.

Mr. President, no Senator has fought more vigorously to protect and preserve the jewel-green waters, the soft, white beaches, and the inland springs that comprise the immense natural beauty of the marvelous peninsula he so effectively represents. He has been an ardent supporter of restoring the natural history and the fragile ecosystem of the Florida Everglades, a true national treasure. Most recently, Senator MACK played a large role in the recent Senate passage of the largest environmental restoration project in history—a $7.8 billion effort to rescue the Florida Everglades from years of environmental degradation.

Senator MACK has been driven by his personal commitment to doing all that he can to provide a better, healthier life for all Americans and people of the world. He has worked long hours, and with great determination, in an effort to see that Federal dollars are wisely used to combat breast cancer, prostate cancer, heart disease, and Alzheimer's disease. The junior Senator from Florida has long realized the importance of providing researchers with the tools necessary to continue the tremendous advances being made in biomedical research.

In the Senate, CONNIE MACK has been a true champion of the fight against cancer. He impressively co-chairs the Senate Cancer Coalition with Senator DIANE FEINSTEIN to heighten awareness of cancer research, early detection programs, improving cancer prevention, and exploring various innovative cancer treatment options. Senator MACK and his wife Priscilla, have both escaped the clutches of cancer, and have led the charge to ensure that all Americans take to heart the message that early detection of cancer saves lives. The Senator and his wife have received numerous honors and awards in their crusade against cancer, such as the National Coalition for Cancer Survivorship Ribbon of Hope Award in 1998 and the National Coalition for Cancer Research Lifetime Achievement Award in 1999.

Drawing upon his experience as a community banker, Senator MACK played a key role in defining the framework of landmark legislation in the Senate to modernize our nation's banking laws and offer more convenience for consumers. I supported this legislation. It has helped to shape the financial industry, enabling more efficient and appropriate responses to the burgeoning demands of an aggressive global marketplace.

And so, Mr. President, as he prepares to leave the Senate, I offer my sincere gratitude to Senator CONNIE MACK for his professionalism, for his friendship, for his leadership, for his candor, and for his many years of dedicated service to our nation.

Always a gentleman, and that means a lot in this body and in life, he brought to this Senate floor and to his committee work some of the best that Florida has to offer this Nation—a willingness to work hard, to make tough and principled decisions, and to seek common ground in order to serve the common good. It is these notable qualities which will be so sorely missed.

I wish my distinguished colleague from the Sunshine State well.

Next week I will have something to say about other colleagues who are retiring and about whom I have yet to state a farewell message.

I yield the floor.

HATE CRIMES LEGISLATION

Mr. LEAHY. Mr. President, I rise today to note my deep disappointment that hate crimes legislation has been dropped from the Department of Defense authorization bill in conference, despite the fact that both the Senate and the House have voted to include it. This is a major step backward for our commitment to civil rights.

The Senate passed the Local Law Enforcement Enhancement Act of 2000, sponsored by Senators KENNEDY and GORDON SMITH, on June 20 by a strong bipartisan vote of 57–42. This legislation would strengthen current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability.

The Senate bill also shows full respect for principles of federalism. It strengthens Federal jurisdiction over hate crimes as a back-up, but not a substitute, for state and local law enforcement. It has received strong bipartisan support from state and local law enforcement organizations across the country, support that is particularly significant to me as a former prosecutor.

On September 13, the House voted 232–192 to instruct their conferees to agree to the Senate language, showing that a strong bipartisan majority of the House also wanted to strengthen and expand our laws against hate crimes.

But the conferees have now ignored the will of both the Senate and the House. They have dropped the Local Law Enforcement Enhancement Act, which has the support of not just the Congress but the President and the American people.

Their objection cannot be that this legislation is unimportant. Hate crimes affect more than just their victims and their victims' families—they inspire fear in those who have no connection to the victim beyond a shared characteristic such as race or sexual orientation. When James Byrd, Jr. was dragged behind a pickup truck and killed by bigots in Texas for no reason other than his race, many African-Americans throughout the United States surely felt diminished as citizens. When Matthew Shepard was brutally murdered in Wyoming because he was gay, many gay people throughout the United States felt less safe on our streets and in their homes. These crimes promote fear and insecurity that are distinct from the reactions to other crimes, and House and Senate have both agreed that they should have distinct punishments.

The conferees' objection cannot be that this legislation is unnecessary. Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our Nation. As a Nation, we must say loudly and clearly that we will defend ourselves against such violence. All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted Federal laws to protect the civil rights of all of our citizens for more than 100 years. The hate crimes amendment this Senate

approved and the House endorsed continues that great and honorable tradition.

The conferees' objection cannot be that this legislation is unconstitutional. This bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts of violence and threats of violence motivated by hatred and bigotry. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

The conferees' objection cannot be that this legislation has not been properly examined. In addition to gaining the approval of the Senate and the House this year, similar legislation passed the Senate last year. It has been the subject of great discussion in the general public and in the halls of Congress. It is long past time to act on this legislation.

Finally, the conferees's objection cannot be that hate crimes are rare occurrences. In addition to the terrible murders of Mr. Byrd and Mr. Shepard, the last years have seen the murder of former Northwestern basketball coach Ricky Byrdsong and others in a bigoted Illinois shooting spree, the terrible sight of small children at a Jewish community center in Los Angeles fleeing a gunman who sprayed the building with 70 bullets from a submachine gun, and racially-motivated crimes in the Pittsburgh area by both African-American and white offenders. And these are just some examples of a wider phenomenon of hate-based crimes.

I would like to thank Senators KENNEDY and GORDON SMITH for their exhaustive efforts on behalf of hate crimes legislation. I regret that their efforts and the will of the House and Senate have been frustrated.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue to fight. Following are the names of some of the people who were killed by gunfire one year ago today.

October 6, 1999:

Hector Colon, 34, Bridgeport, CT;

David Cook, 32, Kansas City, MO;

Raymond Foster, 32, Philadelphia, PA;

Michael Gatheright, 46, Detroit, MI;

Andres Geronimo, 15, Houston, TX;

Jose Godinez, 19, Chicago, IL;

Jerome Green, 40, Boston, MA;

Relendo McKarney, 21, Washington, DC;

Christopher Reese, 17, Fort Worth, TX; and

Ennis Walton, 29, Denver, CO.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE PASSING OF PIERRE ELLIOT TRUDEAU

Mr. L. CHAFEE. Mr. President, last week the Canadian people learned of the passing of their former prime minister, Pierre Elliot Trudeau. His funeral, which took place on Wednesday, brought Canada's many political factions together for an unusual moment of unity. I would like to take this time to share with my colleagues my thoughts on this momentous event for our neighbors.

Pierre Trudeau led Canada at a time when that nation made enormous progress both internally and on the world stage. He served as prime minister from 1968 through 1984, with a brief nine-month hiatus in 1979–80. During these years, Trudeau championed many initiatives, and supervised the process by which Canada replaced its ties to Great Britain with a constitution of its own. His agenda affected Canadian politics for years after he left office.

Pierre Trudeau's private life certainly made many headlines, but his most enduring legacy was his success in addressing the separatist movement in his native Quebec. Just two years after assuming the prime minister's post, he won plaudits from the Canadian people for his toughness in dealing with separatist terrorists who had kidnapped a British diplomat and a Quebecois provincial official. Ten years later, in May 1980, Trudeau's leadership and persuasiveness convinced 59.6% of Quebecois to vote against separating from the national government. At the same time, though, he was sensitive to his country's French-speaking population; Canada was made officially bilingual in 1984.

I lived in Canada for seven years during the Trudeau era. As an American in this foreign-but-nearby land, I learned first-hand how Pierre Trudeau shaped and influenced the maturation of Canada. Although the United States and Canada certainly had their differences during this era, particularly on matters of arms control, I know that our nation fully respected his abilities and leadership qualities that guided Canada through some momentous times. Our friendly neighbor to the north has lost a great leader, and I hope all of my colleagues will take a moment to recognize the enormous legacy of Pierre Elliot Trudeau.

THE HAZARD SUPPORT SYSTEM

Mr. AKAKA. Mr. President, Benjamin Franklin once described how ''for want of nail the shoe was lost; for want of a shoe the horse was lost; and for want of a horse the rider was lost.''

I wish to call the Senate's attention today to a similar situation. For $13 million, we could help prevent hundreds of millions of dollars in losses from forest fires.

This case involves a Federal program which can help detect wild fires and volcanic activity from space. It is a small program that has been in a pilot phase for a couple of years but which is now operational. Except it is not operating. It stopped when funding for it ended on September 30, 2000. Unfortunately, funds to keep it going have not been authorized or appropriated for the next fiscal year.

The program, which only recently came to my attention, is called the Hazard Support System. It is operated by the United States Geological Survey (USGS) and is a forceful example of how today's modern technologies can be employed to the benefit of us all.

For several years, our fire and volcanic agencies have been working with the Department of Defense to realize the potential dual use of the nation's ballistic missile warning satellites to argument existing fire detection and suppression capabilities and to monitor global volcanic activity.

We have heard a great deal about fires over the past few months. On average there about 100,000 wildland fires in the United States each year, destroying millions of acres of timber, rangeland, and homes at the cost of hundred of millions of dollars. In 1994, federal fire suppression cost $920 million.

Here is a system—the Hazard Support System—which can detect fires of less than a quarter acre in size and dispatch warnings via the Internet to fire fighters in five minutes, saving potentially millions of dollars—not to mention people's homes—and it is not being funded.

The system's utility is not limited to forest fires but also can be used to detect volcanic eruptions and to track ash clouds.

One can ask why should we care about tracking ash clouds?

Imagine cruising through an ash cloud in a airplane at 30,000 feet above Alaska: volcanic ash is sucked into the jet's engines where it instantly melts, coating the inside of the engines, cutting off the flow of oxygen, and causing the engines to stall. The plane drops to 10,000 feet where the engines restart only because the rapid descent has dislodged the ash crust. This actually happened to an aircraft in Alaska.

Jet radars and weather satellites cannot detect ash clouds. To these systems, ash looks like water vapor. With ash from volcanic explosions traveling around the world at high altitudes, we cannot fly safely unless we have the ability to track these clouds. Every year about 10 volcanic eruptions penetrate the altitude range of air traffic. Seven passenger airliners have experienced engine power losses, and plane repair and replacement costs, as of 1994, exceeded $200 million.

Most of the world's volcanoes can erupt without warning. There is no global volcano monitoring capability. Currently, less than half of America's 65 potentially active volcanoes are monitored for signs of activity—but not their ash clouds. We have active volcanoes in Alaska, Washington, Oregon, California, and Hawaii. Most of the volcanoes in the Aleutian Islands are active but, along this major international airline route, only 10 percent of these volcanoes are monitored. Only 10 percent of the world's 1,500 potentially active volcanoes are under constant surveillance.

The USGS' Hazard Support System fuses the fire- and volcanic-activity detection capabilities of the world's environmental weather satellites with that of our ballistic missile warning satellites—without affecting their primary national security mission—to provide 24-hour worldwide detection.

The cost of this system for its first year would be $13.5 million and $5 million thereafter. The benefits of this program for states in the Western part of the United States are obvious. I have been assured by the Administration that the only reason funding for this program was not requested for the next fiscal year was because, at the time of the budget preparation, the system was not yet operational. It is now operational and proven.

I intend to seek funding for a small program with a huge return in protecting Americans from future forest fires and the danger of catastrophic airline crashes. I would urge my colleagues to join me in support of this program.

VIOLENCE AGAINST WOMEN ACT

Mr. JOHNSON. Mr. President, October is Domestic Violence Awareness Month, and I can think of no better way to start off the month than by reauthorizing the Violence Against Women Act and providing thousands of South Dakota women and children with the resources and protection from violence and abuse.

As you know, programs contained in the Violence Against Women Act expired October 1. I have sponsored legislation to reauthorize and expand these important programs, and the reauthorization bill has received broad, bipartisan support in both the House and Senate. In fact, there are 72 Senators cosponsoring my bill. Also, the House of Representatives voted last week by an overwhelming 415–3 margin to reauthorize the Violence Against Women Act.

This Congress, that has failed to act on several important legislative initiatives, has the opportunity to do something right this week. Majority Leader LOTT can schedule votes today on reauthorization of the Violence Against Women Act, and it would pass overwhelmingly. The President has promised to sign the bill as soon as possible. The time to act is now.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year. Shelters, victims' service providers, and counseling centers in South Dakota rely heavily on these funds to provide assistance to these women and children. Reauthorization of this legislation assures that South Dakota communities will continue to have access to critical funds for domestic violence services.

A woman from South Dakota recently wrote me about this issue, and I shared her story on the Senate floor last week because I believe it made the most compelling case for reauthorization of the Violence Against Women Act. This South Dakotan was abused as a child, raped as a teenager, and emotionally abused as a wife. Her grandchildren were also abused. In her letter, she pleads: Please reauthorize the Violence Against Women Act. Don't let another woman go through what I went through, and please don't let another child go through what my grandchildren have gone through. You can make a difference.''

I also heard from a Rural Outreach Advocate in South Dakota who said a grant from the Violence Against Women Act enables her and other advocates to help battered women in our state. She noted that many assaulted women and children in our state live in remote, rural areas that don't have available services. Without grants from the Violence Against Women Act, this Rural Outreach Advocate warned that we will be unable to help a majority of battered women and children on our state's farms and in our state's small towns.

In addition to the need to reauthorize the Violence Against Women Act, I recently joined Senator PAUL WELLSTONE of Minnesota in introducing legislation called the National Domestic Violence Hotline Enhancement Act. Since 1994, the National Domestic Violence Hotline (1–800–799–SAFE) has received 500,000 calls from women and children in danger from abuse. My legislation would create the National First Call for Safety web site that would allow National Domestic Violence Hotline operators to quickly and easily find the most appropriate shelter for callers. The highly secure and confidential web site would keep a continuously updated, nationwide list of available shelters and information about services and facilities offered by these shelters.

My legislation is modeled after the successful Day One program in Minnesota. Day One has run a web site linking every shelter in Minnesota and reports that 99 percent of women and children who call are assured to receive shelters and services that meet their needs.

While there are many worthwhile issues that must be addressed by this Congress in the next few weeks, I can think of no better accomplishment for Congress than to reauthorize the Violence Against Women Act and pass my National Domestic Violence Hotline Enhancement Act. Simply put, these laws will help keep wives, daughters, sisters, and friends from becoming victims of domestic violence.

RURAL LOAN GUARANTEE PROGRAM

Mr. LEAHY. Mr. President, as a conferee last year on the satellite television bill, I worked hard to include, along with several of my colleagues, a provision that would have ensured that the benefits of that bill would also be shared by rural Americans through a loan guarantee program.

Those benefits include providing local-into-local television over satellite—which simply means that rural Americans would be able to receive their local network stations over satellite if they owned a satellite dish, along with the full range of weather, movie, superstation, sports and a host of other channels.

We wanted to ensure that rural Americans would get the same level of television service over satellite as urban Americas would enjoy.

As it turns out, urban Americans can now receive the full array of local network channels over satellite—but the great majority of rural Americans can not.

Unfortunately, the Chairman of the Banking Committee objected to the provision—at the end of last year—that would have helped finance such service to rural areas and we have been unable to resolve this matter.

At the time I was very worried this would happen which is why I discussed it at some length on the floor.

I want to stress, once again, to all of my colleagues that this is very important to our constituents. We need to work together so that we can resolve this problem and make sure that rural America is not left in the dark.

I am here today, to again stand with rural Americans. I have already mentioned on the floor several times that if we tried to hold a Conference on this issue that we would be unable to pass the bill this year.

I said few weeks ago that we simply do not have time to go through the formal Conference process. The e-signature Conference, for example, took many months. As I have warned everyone before—we do not have time for a Conference.

However, if we work together we can easily finish a bill that will actually work and get local television stations carried over satellite.

With a few improvements to the House-passed or to the Senate-passed bills we can get this job done for rural America.

We need to make sure that the federal guarantee can cover providing high-speed Internet access to rural Americans. As long as we are going to help finance a satellite we should get the biggest benefit out of it by having it also help break down the digital divide.

Also, some of the bill provisions consist of such atypical, and onerous, credit requirement that I do not think that any lenders will want to participate.

I have two basic concerns with the proposed language, and have serious concerns about the extraneous House provisions on cell telephones and the like.

I also understand through lobbyists that efforts are being made to include language that would take away FCC authority to approve the new ''Northpoint'' technology that could provide local-into-local television in many areas of the country. My understanding is that some of the satellite providers are concerned that Northpoint could compete with them.

In terms of the credit provisions of the bill, I am worried that potential borrowers may have long-term existing contractural obligations or security agreements whose contract terms would be abrogated by this law if they were to participate in this loan guarantee program.

If they received a guaranteed loan under the bill, their lenders could pull back existing credit lines for violating their contracts by complying with the new law.

With respect to the default language, even a minor default could lead to liquidation which would reduce the ability of the United States to protects its own interests and, in addition, could trigger unnecessary defaults on loans or projects which the borrower may have with the United States, or other lenders.

The additional problem with the superpriority bankruptcy language is that it is a backdoor ''taking'' of property because it would take the property rights of creditors that have other prior perfected security interests in the borrower's property.

These contract property rights—which would be destroyed after the fact—could be very valuable and the bill could take them away.

Mr. President, I have provided language to most interested offices some months ago to resolve these points which may appear at first blush to be technical but, in fact, could make it impossible for this program to work.

I have also proposed language to ensure that rural Americans are able to receive high-speed Internet access under this bill. The section on prerequisites for the loan does not list high-speed Internet access as a purpose for the guarantee.

I recommend adding ''high-speed Internet access'' to that section so that the Board could approve a guarantee which would include that purpose, as a secondary consideration.

I have pointed out before on the Senate floor that, ''computers are on a development path that improves performance by a factor of 10 every five years,'' according to Scientific American.

However, without high-speed linkage of these constantly improving computers rural America will be left behind.

In America, there is a growing disparity between the digital ''haves'' and ''have-nots'' as portions of our society get left behind at the same lightning pace at which the Internet develops.

I would like the bill changed so that we can close the ''digital divide'' that keeps rural America from fully participating in America's economic boom under President Clinton.

I know that some are fighting to keep this disparity—but this disparity between rural and urban America is self-defeating as the Internet becomes an increasingly important thread of our business and social fabric.

So I hope all my colleagues will join with me in working together to get this program in operation before Congress goes out of session.

APPROPRIATIONS—INTERIOR AND RELATED AGENCIES

Mrs. LINCOLN. Mr. President, I rise today to talk about the Interior Appropriations Bill for fiscal 2001 and our efforts here in the Senate to enact the Conservation and Reinvestment Act to provide permanent funding for land, water, and wildlife conservation programs in this nation.

With the passage of the Interior Appropriations Bill for fiscal year 2001, we have taken a step in the right direction toward providing a permanent conservation fund for this nation—but it is only a step.

The Interior Appropriations bill funds many important programs and projects in Arkansas including refurbishing the historic Hot Springs National Park Bathhouses, constructing a visitors center at the White River National Wildlife Refuge, and funding needed construction and maintenance at recreation areas in the Ouachita National Forest.

The bill also increases the funding for the Land and Water Conservation Fund, Payments in Lieu of Taxes, Urban and Historic Preservation programs, State Conservation grants. And needed funding for tackling the maintenance backlog in our nation's park system. But it leaves many of the programs that we have pushed for in the Conservation and Reinvestment Act out completely. Specifically, it leaves out a permanent stream of funding for wildlife conservation and education programs.

By establishing a permanent funding source for state based wildlife programs, we can take steps now to prevent species from becoming endangered. This would enable us not only to conserve the significant cultural heritage of wildlife enjoyment for the people of this country, but also to avoid the substantial costs associated with recovery for endangered species. In fact, all 50 states would benefit as a result of the important link between these wildlife education-based initiatives and the benefits of wildlife-related tourism.

CARA also would have provided a permanent funding source for rural community assistance and development funds, historic preservation, urban parks, conservation easements, and restoration of National Parks. These provisions would annually provide almost $3 billion nationwide for land, water, and wildlife conservation programs and include over $25 million in funding for Arkansas.

The 2001 Interior Appropriations bill is an important step toward providing for the conservation of this nation's land, water, and wildlife, but we can do so much more. We must not let this opportunity slip away to enact what may well be the most significant conservation effort of the century. I strongly urge my colleagues to continue to work toward passage of the Conservation and Reinvestment Act.

CONCEALED GUN LICENSES

Mr. LEVIN. Mr. President, in recent years, lobbyists for the National Rifle Association, NRA, have been pressing state legislatures around the country to pass so called ''shall issue'' laws. ''Shall issue'' laws require that licensing authorities shall or must issue concealed weapons permits to those who meet standard eligibility requirements. The state laws take discretion away from local law enforcement agencies, who would ordinarily use their own criteria to determine who should carry a concealed weapon.

When such a law was proposed in my home state of Michigan, every major law enforcement organization in the state spoke out against it. Athletes, entertainers, religious leaders and some lawmakers joined them in their public plea to keep concealed firearms off our streets. In the end, although both the State House and Senate passed the ''shall issue'' legislation, lawmakers yielded to public pressure and refused to proceed to a conference committee, thereby rejecting the law.

While Michigan's citizens acted quickly to ensure that lawmakers rejected the NRA backed proposal, other state legislatures embraced the law as their own. This week the Los Angeles Times published an extensive report on the effects of the relatively new law that gives Texans the right to carry concealed weapons into public places, including churches, hospitals, nursing homes, and amusement parks. The Times story reveals that since the ''shall issue'' law's inception in 1995,

and its expansion in 1997, Texas has issued concealed weapons permits to more than 400 criminals with prior convictions, and has since arrested more than 3,000 licensees.

Based on the LA Times investigation, it appears that the law billed as part of an ''anti-crime'' package could really be more accurately described as procrime. A recently released study from the Violence Policy Center disclosed that Texans with concealed-carry licenses were 66 percent more likely to be arrested for firearms violations than Texans who did not have such licenses.

The LA Times story explains that part of the problem is that in many cases, concealed permits were given to those whose records should have disqualified them. Perhaps the most disturbing case is that of Terry Gist, also known to his friends as ''Holsters'' because of his well-known affection for guns. Before he even applied for his permit to carry a concealed weapon in Texas in 1997, Gist had already been to court for trying to choke his wife and threaten her with a gun (she had a restraining order out against him) and arrested while in the army for brandishing his handgun at a local citizen in Haiti. After he passed the state background check and received his concealed weapons permit in the mail, he was known to carry two semiautomatic handguns, sometimes three, with him at all times. Gist bragged that he displayed one of those guns to a driver during a ''freeway feud.'' In 1998, Gist was arrested and convicted for sexually assaulting an eight-year-old girl who said during the trial that she was afraid he was going to shoot her.

The most common category of problems associated with concealed weapons holders, however, are not those of Terry Gist, but those of people like Paul Leuders. Leuders, a Houston computer analyst, became so upset when he almost missed his bus that the concealed weapons licensee took out his gun and shot the bus driver in the chest.

Law abiding citizens, armed with concealed weapons, are too often turning what would otherwise be unpleasant but not catastrophic events, such as fender-benders and commuting hassles, into tragedies. The ''shall issue'' laws in Texas and in states around the country don't make us safer, they make us less secure. In addition, they send the wrong message to our children, that the way to deal with the problems of modern life is with a gun. People around the country reject the NRA logic that they are unsafe in public places if they are not armed. Legislatures should do the same.

America has come a long way since the days of the wild west. Over the last years our law enforcement agencies have developed better ways to reduce violent crime and keep our streets safe. ''Shall issue'' laws go in the wrong direction by increasing the number of weapons on the streets and the dangers we and our children face.

NATIONAL RURAL DEVELOPMENT PARTNERSHIP ACT OF 2000

Mr. CONRAD. Mr. President, I am pleased to be a cosponsor of the National Rural Development Partnership (NRDP) Act of 2000 introduced yesterday by my friend from Idaho, Senator CRAIG, and 25 of our distinguished colleagues.

The NRDP is a nonpartisan interagency working group whose mission is to ''contribute to the vitality of the nation by strengthening the ability of all rural Americans to participate in determining their futures.'' Today the NRDP is comprised of nearly 40 State Rural Development Councils [SRDCs]. The NRDP also brings to the task of developing rural America more than 40 agencies, in addition to state, local, tribal, for- and non-profit organizations.

The Partnership has thrived in recent years because of the hard work of thousands of dedicated Americans throughout the country who are committed to reinvigorating rural life through coordination of their efforts and those of the public and private sectors. However, the NRDP has never been formally authorized. The future of this important organization can only be secured if the NRDP, the National Rural Development Council, and the SRDCs are formally recognized by the Congress and authorized to receive appropriations.

Mr. President, that is exactly what this legislation would do. Additionally, the Craig-Conrad bill delineates specific responsibilities for each component of the NRDP while refocusing and reinvigorating many current activities. It does not, however, create any new bureaucracy. This legislation grew out of a hearing of the Agriculture Committee's Subcommittee on Forestry, Conservation, and Rural Revitalization that Senator CRAIG and I, as chairman and ranking member, held on March 8 of this year. The support expressed at that hearing for the NRDP was broad-based and considerable.

I cannot emphasize enough the importance of the NRDP's work. Every region of our nation has benefited. In my part of the country, the NRDP has been particularly valuable in bringing together previously independent rural development efforts, creating a synergistic effect.

As I have discussed on the Senate floor and in committee on numerous occasions, in the Upper Great Plains we are facing a crisis of staggering proportions, placing unprecedented stress on every aspect of economic and community life. This is a very serious matter for the entire country. The farms of the Dakotas and the surrounding states produce wheat, corn, and soybeans in abundance, but something much more important: good families and great kids. The rural way of life helps foster the values of hard work and fortitude that have made America great.

In my view, the ongoing crisis in agriculture represents as great a threat to our nation's future as any of the foreign threats we face today. As we work to combat this domestic national security threat and preserve the rural way of life, the NRDP is a truly vital asset. I hope all my colleagues will join the 27 of us on this bill in pressing for its passage and enactment at the earliest possible moment.

Mr. President, I yield the floor.

ADDITIONAL STATEMENTS

FATHER NICHOLAS MAESTRINI AND FATHER JOHN BORACCO CELEBRATE 70TH ANNIVERSARY OF PRIESTHOOD TOGETHER

• Mr. ABRAHAM. Mr. President, I rise today to recognize Father Nicholas Maestrini and Father John Boracco, two men who have dedicated their lives in service to the Catholic Church, and who have often found their paths cross along the way. On October 22, 2000, the paths of these old friends will converge once again, as they will be honored together by the Pontifical Institute for Foreign Missions (PIME) in Detroit, Michigan, in recognition of their 70th Anniversary of Ordination.

Fr. Maestrini and Fr. Boracco began their long histories of dedicated service to the Catholic Church together as seminary classmates in Monza, Italy. Shortly after becoming ordained priests, both chose to enter into the PIME missionary. PIME is an international community of priests, lay missionaries and lay volunteers who have dedicated their lives to service in foreign lands. Founded in Italy in 1850, it is now a global organization that operates missions throughout the world. Its international headquarters are in Rome, Italy, while PIME U.S. Region is based out of Detroit.

Both Fr. Maestrini and Fr. Boracco joined missions in Asia, and both experienced struggle and hardship there during the chaotic period before, during and after World War II. Fr. Maestrini served as a missionary in Hong Kong from 1931–50. During this time, he suffered through the strife of the Great War and of being interned by the Japanese. Fr. Boracco had it no easier in China, where he was stationed from 1934–54, first in the northern Henan Province and then at Kai Pheng. He was forced to persevere through imprisonment, the Japanese occupation, and the Communist revolution. In 1954, he was condemned to die at the hands of the Communists, but was instead expelled.

In 1951, Fr. Maestrini was named Superior of the PIME U.S. Region. Four years later, he was joined in Detroit by Fr. Boracco, who was assigned to help with the seminary expansion started by his friend. For the next 19 years, the two formed the perfect team. Fr. Maestrini focused his energy on external matters, such as public relations and fundraising, while Fr. Boracco served as rector and spiritual director

of PIME's theological and high school seminars. With success, their roles expanded. Fr. Maestrini oversaw the establishment of three seminaries, two award-winning films, and many fund raising and public relations programs benefitting the foreign missions. Fr. Boracco became Director of the PIME residence for priests, brothers and seminaries. While Fr. Maestrini retired as Superior in 1974, Fr. Boracco retired just last year.

Both Fr. Boracco and Fr. Maestrini remain active within the Catholic community. Aside from assisting at his local parish, Fr. Maestrini publishes a mission newsletter, and continues correspondence with missionaries and benefactors. Fr. Boracco regularly assists several parishes in the Archdiocese of Detroit.

I applaud Fr. Maestrini and Fr. Boracco on their extraordinary legacies of service. For 70 years, they have tirelessly spread the message of faith and good will to others embodied by the Catholic Church, and they have done so while forming a friendship that is truly unique. On behalf of the entire United States Senate, I congratulate Father Nicholas Maestrini and Father John Boracco on 70 years of successful service, and wish them both continued success in the future.●

TRIBUTE TO MR. BENNIE THAYER

● Mr. KERRY. Mr. President, Senator BOND and I would like to submit for the RECORD a tribute to Mr. Bennie Thayer, a long-time business advocate and remarkable man who passed away Monday.

Mr. BOND. Yes, Mr. President, Senator KERRY and I would like to join in making the following statement recognizing Mr. Thayer's lifetime accomplishments.

The remarks follow:

Mr. Thayer earned the respect and admiration of the small business community. Until his passing, Mr. Thayer served as the eloquently outspoken President and CEO for the National Association for the Self-Employed. Representing more than 200,000 members nationwide, as head of NASE Mr. Thayer fought for relief from unfair government regulations and pushed for legislative action on issues ranging from taxes to retirement plans. I think we will all remember him for his tireless work to get 100 percent deductibility for health insurance purchased by the self-employed. It wasn't easy. In fact, it was a long, long fight, but he managed to build bi-partisan support for 100 percent deductibility. How fitting it would be for Congress to pass such legislation before we adjourn.

In addition to Mr. Thayer's leadership at NASE, he has chaired and served on the board of many local and national business associations covering economic development, credit development, small-business enhancement, and general business growth. Of course, Mr. Thayer knew what he was doing. He could identify with the needs of small business owners and the self-employed because he himself was co-owner of the Board of Natural Health Options and A.W. Curtis Products, a manufacturer of natural health products. In his distinguished career, Mr. Thayer also was called upon at times to advise the past three Presidents—President Reagan, President Bush, and President Clinton.

But Mr. Thayer should be remembered for much more than his impressive resume or for being a champion of and advocate for small businesses and the self-employed. He served tirelessly in several capacities as a leader in his community. For the past seven years, Mr. Thayer was Senior Pastor of the United Methodist Church of the Redeemer in Temple Hills, Maryland. He also worked toward community development and youth mentoring as a board member of such organizations as REDEEM Inc. and the Board of Eagle Flight Inc.

In the most recent issue of ''Self-Employed America,'' NASE's bi-monthly publication, there is an article entitled ''Make Yourself Memorable.'' Mr. Thayer did. His first impression was a lasting impression—a warm, sincere handshake and an incredible, mesmerizing voice. Even if you didn't agree with something he said, you always liked how he said it. We will miss him.

Our condolences go out to his wife Bernice, his two daughters, his two grandchildren and his home community in Prince George's County Maryland, where he touched the lives of so many. May God bless his family and friends, and may the remarkable Bennie Thayer rest in peace.●

HONORING A COLUMBINE HERO, BOY SCOUT EVAN TODD

● Mr. ALLARD. Mr. President, I rise today to share with my colleagues a pair of statements I recently received from an exceptional young man in Colorado, Mr. Evan Todd of Littleton. Evan was one of the many unfortunate victims of the horrific shooting that took place at Columbine High School on April 20, 1999. Evan was the first student shot in the library at Columbine High School, and despite his injuries he assisted other students and administered first aid to a seriously wounded peer until emergency services could arrive. Evan, an active Boy Scout, was awarded the prestigious Boy Scouts of America Honor Medal for his inspiring actions. Still a Columbine student, Evan has dedicated a tremendous amount of time to speaking to other students and adults around the nation concerning the problems of youth violence and the cultural influences on American youth. I am honored that Evan took the time to write to me and I ask that a copy of Evan Todd's letter to his fellow Scouts and a copy of a speech he delivered at ''The Gathering,'' a meeting of victims of school violence, be included in the CONGRESSIONAL RECORD.

The material follows:

Dear Fellow Scouts, I have been told that into each life some rain must fall. Some get rained on more than others. The rain that came down on us at Columbine High School was a cloudburst of epic proportions. This act was senseless, tragic and without justification, whatsoever. 13 murdered 25 wounded and 1,951 students youth destroyed. As a student who was shot and wounded in the library, it has changed my life, forever.

I believe that the children of a society are nothing more than the reflection of the society that they are brought into. The event here at Columbine in Littleton Colorado, and the events at Moses Lake Washington, Pearl Mississippi, Jonesboro Arkansas, Edinboro Pennsylvania, Fayetteville Tennessee, Springfield Oregon, Richmond Virginia, Conyers Georgia, Los Angeles California and elsewhere indicate to me that our nation has a serious character flaw. Since the Columbine tragedy, I have tried to stay abreast of the ''adult society'' debate as to the ''why'' and ''how'' of these terrible incidents. The adults debate and argue over what constitutes good and what constitutes evil; what is right and what is wrong. At the time of the Columbine tragedy, our national leader, the President, stated the youth of this nation need to learn to resolve our differences with words, not weapons. At the time this statement was made, we as a nation, were bombing Yugoslavia. They tell us that the youth of this nation need to be more tolerant, kinder, gentler, more understanding. Yet our entertainment, music, TV, movies, games (and actions of) the adult world provides for our consumption are all too often filled with violence, sex, death and destruction. If we were to take into our lives what is provided to us by our society, our actions would also violate the Scout Oath & Law. Other solutions to school violence have been nametags to be carried around our neck as millstones, metal detectors, increased video surveillance, etc. Our nation has always had guns. Our nation has always had children. What our nation hasn't always had is children murdering children and their parents, and parents murdering their children. The ingredient that has made America different is the last couple of 'adult generations', and their changes towards what is right & wrong, good & evil. It appears to me that our society is confused. The adult world seems as a ship with no rudder being cast around by the wind and storms of our times, with no control or understanding as to why. Many of these storms appear to have been caused by their own accord. It's as if our adult society has no compass, no bearing, no standards for our society. I have found them confused. Even at our age, we can discern the difference between what you say and what you do. . . .

In regard to the solution of watching what comes out of us by monitoring closely our world with surveillance cameras, what we say, how we look, etc., our society needs to watch carefully what goes into us. In my room is a picture of the Grand Teton mountain range in Wyoming. Below the picture is the following:

''THE ESSENCE OF DESTINY

''Watch your thoughts, for they become words. Choose your words, for they become actions. Understand your actions, for they become habits. Study your habits, for they will become your character. Develop your character, for it becomes your destiny.''

The good news for those of us that are Scouts is that we are privileged to be a part of an organization that provides us the tools and instructions to put into us that which builds a better person, a better nation. Those tools are called the Scout Oath and Scout Law. Robert Gates, former Director of the U.S. Central Intelligence Agency (CIA) and our current President of the National Eagle Scout Association (NESA) recently stated that there is a war going on for the souls of our boys and young men in this nation. He sees clearly. If you are to be a scout, don't be a scout in word only. Learn and practice the Oath & Law in everything you think, say and do. I understand well how hard that can be, but ''Do Your Best.'' To the Boy Scouts of America, thank you for defending our 90-year record and not allowing the Oath & Law to be redefined. As you say, it has stood the

test of time. The generation that wants to change the Oath & Law has not stood the test of time. To all the scouts across America that sent me & my troop cards, letters, posters, your thoughts and prayers, thank you from the bottom of my heart. To you here tonight, I bid you vaya con Dios mi amigos, God Bless you and God Bless the work you do. Thank you.

GLASTONBURY YOUTH AND FAMILY SERVICES

● Mr. LIEBERMAN. Mr. President, I rise today to congratulate Glastonbury Youth and Family Services on its thirtieth anniversary. For a generation, this agency has provided a much needed service to the families of Glastonbury, Connecticut.

The children of Glastonbury are the future leaders of our state and nation, and it is critical to our continued success that they obtain the social and educational skills necessary to compete and succeed in the twenty-first century. The many programs offered by Glastonbury Youth and Family Services helps ensure that the town's children are exposed to the very best role models both inside and outside of the home. Because of the hard work and dedication of the parents, children, and workers in this program, the future of Glastonbury is very bright indeed.

Glasonbury Youth and Family Services has already helped open doors for countless young people, and I am confident that the children of the community will continue to benefit from its services far into the future.

Mr. President, I ask that you and all of my colleagues join me in congratulating Glastonbury Youth and Family Services on this very special anniversary.●

THE 75TH ANNIVERSARY OF THE NORWEGIAN CLUB OF DETROIT

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Norwegian Club of Detroit, which will celebrate its 75th Anniversary in Orchard Lake, Michigan, on October 14, 2000. Only Ireland has had a larger percentage of its population immigrate to the United States than has Norway. As Norwegians arrived in Michigan, the Norwegian Club of Detroit was there to help them adjust to their new homeland, while at the same time continue to celebrate the familiar traditions of home.

The Norwegian Club of Detroit was organized in 1925. Originally consisting of only engineers, it quickly expanded to include Norwegians from all walks of life, providing an important cultural, social and professional network for Michigan's Norwegian community.

An example of the Club's importance to the Norwegian community can clearly be seen during World War II, when members managed to mobilize and ultimately provide support to Norwegian military forces who escaped the Nazi invasion. Members also organized training in Canada to assist in the war effort of the Allies.

The Norwegian Club of Detroit remains an important factor in celebrating and promoting Norwegian and Scandinavian cultural, political and economic ties to the State of Michigan. One of the first groups to participate in the Ethnic Festivals in Detroit, the Club also has helped support performances by the Scandinavian Symphony, a visit by the Hjemkomst Viking ship reproduction, as well as various Norwegian performers and artists.

Mr. President, 2000 is an extremely important year in the Norwegian-American community. It is the 100th Anniversary of the founding of Oslo, Norway's capital city, as well as the 1000th Anniversary of the Viking discovery of North America. This year also marks 175 years of Norwegian immigration to the United States. Amidst all of this, and on behalf of the entire United States Senate, I wish the Norwegian Club of Detroit a Happy 75th Anniversary, and continued success in the future.●

HONORING SHIRLEY RAGSDALE

● Mr. JOHNSON. Mr. President, I rise today to publicly commend Shirley Ragsdale, the editor for the Sioux Falls, South Dakota Argus Leader newspaper, on her receiving the national Casey Journalism Center Awards 2000 Casey Medals for her outstanding coverage of the plight of South Dakota's children in the Juvenile Corrections facilities.

The Casey Medals for Meritorious Journalism honor distinguished coverage of disadvantaged children and family, and the institutions and agencies charged with serving them. The Casey Journalism Center serves as an independent national resource center for professional journalists and it is operated by the University of Maryland and funded by the Annie E. Casey Foundation.

Shirley Ragsdale is a talented journalist, an advocate of children's rights, and a dedicated citizen of South Dakota. This honorable award is a reflection of her extraordinary talent, creativity, and ability to convey depth and originality supported by thorough research and consistent documentation. Her unremitting and well-reasoned editorials pressed for changes in the unacceptable practices, as indicated by substantiated reports of abuse, occurring within the South Dakota juvenile correction system.

Shirley Ragsdale truly deserves this prestigous award. It is an honor for me to share her impressive achievements with my colleagues and to commend her on her journalistic success.●

OLYMPIC SWIMMER JENNY THOMPSON

● Mr. GREGG. Mr. President, I would like to take this opportunity to congratulate one of our nation's finest Olympians, Jenny Thompson. This week, Jenny set herself apart from the rest of the world. With 10 Olympic medals, 8 of which are gold, Jenny has become the most decorated Olympic female swimmer of all time. As an American, I am very proud of our U.S. Olympic athletes, but I am especially proud of Jenny Thompson, from my home state of New Hampshire.

Jenny first appeared on swimming's national stage in the mid-1980's when she began swimming for the Seacoast Swimming Association in Dover, New Hampshire for coach Mike Parratto. At the age of 15, Jenny just missed making the 1988 U.S. Olympic Swim Team, but her success as a young athlete drew the attention of college swimming programs from around the country. Jenny began attending Stanford University in 1991, and in 1992, she became the first woman in 61 years to set a world record in the 100 meter freestyle event. She followed up on her new world record by leading Stanford to a 27–0 dual-meet record, four PAC–10 titles and four consecutive NCAA Championships. Through her leadership and her firm sense of teamwork, Jenny Thompson was elevated to team captain and served as a mentor for Stanford's more recent arrivals to the natatorium.

In addition to Jenny's team accomplishments, she managed to swim her way to 19 NCAA titles, the most in women's collegiate swimming history. Having also captured 23 U.S. national titles, Jenny is the most successful active swimmer in the United States.

When Jenny arrived in Sydney, Australia, she did so with five gold medals and one silver medal. She has now added to her Olympic success by again leading the U.S. women's relay team to gold in the 4 x 100 meter freestyle relay, setting another new world record, and the 4 x 100 meter medley relay. Additionally, Jenny continued to show her competitive edge as an individual by medaling in the 100 meter freestyle, winning the bronze.

Jenny Thompson's performance at the 2000 Sydney Olympics has made her the most decorated female Olympian in the United States and the most successful female Olympic swimmer in history. Aside from her achievements at the Olympics and Stanford University, Jenny has won numerous World Championships and accumulated countless awards and honors as an athlete. She has always displayed team spirit and professionalism in and around the pool, showing that character is one of her finest assets. Her contribution to the sport of swimming is unmatched and has left a lasting impression in the minds and hearts of all who have watched her represent the United States throughout the years. Jenny Thompson has inspired a generation of young swimmers to dream and achieve their goals, to think positively and to work hard.

Jenny Thompson will enter Columbia University Medical School next fall, where I know she will be successful. Her drive and desire will surely allow her to achieve her goals as she makes

her way into a different stage of her life. I am confident that Jenny will continue to be a role model for all, and I hope that she knows we are proud of her. New Hampshire is proud of her, our nation is proud of her, and we wish her nothing but the best in her future endeavors.●

COLUMBUS, GEORGIA'S HOUSE OF HEROES PROGRAM

● Mr. CLELAND. Mr. President, there is a great outpouring of human generosity taking place in our great country that I must speak about here today. I was honored to be with my friends and colleagues, including the late Senator Coverdell, Representatives MAC COLLINS and SANFORD BISHOP, Columbus Mayor Bobby Peters, Col. Frank Helmick, along with Wayne Anthony of Hands On Columbus and many, many other volunteers, as we embarked on the historic event of initiating the House of Heroes program. This program should serve as a model to communities all across the country to provide needed assistance and support for aging veterans who bravely served their country and their families.

It is often said that ''Poor is the nation who has no heroes. Poorer still is the nation which has them but forgets them.'' The House of Heroes project makes sure we don't forget this adage by having volunteers take up shovels, paint brushes and brooms to show not only our veterans, but also their families, that they are not forgotten. This past May at the home of Betty Cook of Columbus, in my state of Georgia, the House of Heroes was inaugurated by federal, military, and local officials to help serve as a reminder to younger generations of Americans how our nation's older men and woman veterans have proudly served and sacrificed for their country to help preserve our freedom. The inauguration ceremony reminded us all that honor, valor, and sacrifice come not only from service members, but from their spouses and family as well. While Mrs. Cook's husband served his country as a medic in World War II, she fought the war at home. She supported their family on her own, while encouraging her husband to press on in battle overseas. Hundreds of thousands of G.I.'s fought for their families, sustained by the love they were getting from home. Victory was never won alone.

The House of Heroes program relies on people who volunteer their services to repair and improve the home of a veteran and/or their spouse as an act of appreciation from the Congress of the United States and people of this nation. I am especially proud of those who contributed their time, effort and energy to help bring this project to fruition. It was especially uplifting to have witnessed the hard work that was put into the project. I would like to express my gratitude to each and every volunteer who made this worthy event the great success that it was.

I strongly support H. Con. Res. 395 that expresses the sense of the Congress that the House of Heroes project in Columbus, Georgia, should serve as a model for public support for the Nation's veterans and strongly agree with everything this resolution represents. I especially thank Representative MAC COLLINS for introducing this worthy legislation.

Today, Columbus, Georgia, remains home to thousands of service members and their families stationed at Ft. Benning and Columbus has always been a critical area for our nation's defenses, both past and present. The initiation of the House of Heroes program proves that from beginning to end, this remarkable city is home to some remarkable people. This event is only the beginning for the House of Heroes program as communities across the nation will begin to undertake their own House of Heroes programs modeled after the great program that the fine people of Columbus started.●

A TRIBUTE TO CAPTAIN WILLIAM JAMES BUSHAW

● Mr. ABRAHAM. Mr. President, I rise today to recognize Captain William James Bushaw, who is retiring from the United States Navy after nearly 30 years of service. Captain Bushaw leaves behind a legacy of versatility and consistency, as he has consistently been successful in whatever area he has been asked to perform.

Upon graduating from the University of Michigan, Captain Bushaw attended Navy Officer Candidate School in Newport, Rhode Island. He was commissioned as an ensign May 14, 1971, receiving the award of Distinguished Naval Graduate.

While on active duty, Captain Bushaw served as the Gunnery Officer aboard the U.S.S. *Joseph Strauss*. From January of 1972 until August of that same year he participated in several combat operations in Vietnam, including Operation Freedom Train, Operation Linebacker and Operation Notification Line. During these operations, U.S.S. *Joseph Strauss* fired over 15,000 rounds of ammunition, earning the Navy Unit Citation. Captain Bushaw himself earned the Navy Achievement Medal with Combat V and the Combat Action Award.

Following active duty Captain Bushaw transferred to the selected reserve. As a drilling reservist, he served as Commanding Officer of three Navy reserve units and Executive Officer of two other units. For his efforts, he received a Navy Commendation Medal.

Captain Bushaw currently serves as the Emergency Preparedness Liaison Officer to the Governor of the State of Michigan, representing the United States Navy in all issues of emergency preparedness. He recently received the State Legion of Merit award from the Adjutant General of the Michigan National Guard.

I applaud Captain Bushaw on nearly thirty years of extraordinary service to our Nation. I know that the United States Navy will greatly miss his leadership, as will the many men he has commanded. On behalf of the entire United States Senate, I thank Captain William James Bushaw for his service, and wish him the best of luck in retirement.●

IN TRIBUTE TO FRANCIS BROWN

● Ms. SNOWE. Mr. President, I rise today to pay tribute to a great Mainer and one of the most outstanding individuals I have had the good fortune to know, Francis Brown of Calais, ME.

There are many rewarding aspects to public service, not the least of which is the opportunity to meet people like Francis Brown. It has been my privilege to call Francis a friend for more than two decades now, and I know the people of Downeast Maine share my high regard and deepest respect for this devoted family man who has given so much of himself to the community and state he loves.

Francis is a leading citizen of Calais. He exemplifies the kind of values and ideals we frequently associate with those small towns throughout the country where neighbors still help neighbors, and where service to others is the standard by which a man or woman is measured. Indeed, for Francis, the concept of service is one indelibly woven through the fabric of his life.

As a student at the University of Maine, my alma mater, Francis spent four years in the ROTC program, and went on to serve in World War Two as a Radar Officer and in Korea as a member of the military police. Having more than fulfilled his duty to his country, Francis nevertheless later volunteered as an Army reservist with the Maine Army National Guard from 1946 until 1967, when he retired with the rank of Major.

When he was not serving his country in the armed forces, Francis was working on behalf of his fellow Mainers not only in his law practice but as a longtime and well-respected city solicitor. As is typical of his nature, however, Francis was not content to allow his efforts in the practice of law alone—significant as they were—define his commitment to the community.

Giving generously of his time and talents, Francis has touched many lives and has made an indelible and positive mark on his beloved Washington County and the State of Maine. He was a member of the Advisory Committee to the Maine Supreme Judicial Court on Criminal Rules of procedure for thirteen years. A long-time active and integral member of the Calais Rotary Club, he earned distinction as a Paul Harris Fellow in 1976.

Emblematic of his commitment to and interest in education, Francis brought his tremendous wealth of knowledge and experience to his service on the University of Maine Board of Trustees for more than a decade. And

as a man whose faith has always been central to his life, he has served his beloved United Methodist Church in Calais as a trustee for many years.

Not surprisingly, Francis has been recognized with many awards over the years, including the Arlo T. Bates Award for Outstanding Community Service from the Calais Chamber of Commerce, the prestigious Jefferson Public Service Award, and the University of Maine Presidential Achievement Award.

And just as predictably, Francis has never been very impressed by all the recognition and adulation. For him, good deeds are always to be done for their own sake. Acts of kindness are made because that is simply the proper way to live one's life, not because they may bring personal glorification. Indeed, Francis is one of the most genuinely decent and humble people I have known.

Most of all, he is quite simply a wonderful person to be around. I would dare say there was never a person who has met Francis who does not like Francis. His generous spirit could warm even the coldest Maine day, and his humor could shine good cheer into the darkest of times. How thankful we are for such gifts as those he has so selflessly given to us.

Today, it is our turn to return the favor. With Francis having fallen ill in recent times, the hearts of many go out to him as do our prayers. It is not likely that any of us will be able to fully repay the debt of gratitude we feel to this beloved friend, neighbor, and fellow Mainer. But we certainly feel compelled to try.

The great American author Ralph Waldo Emerson once wrote, ''to know even one life has breathed easier because you have lived—this is to have succeeded.'' By that measure, Francis Brown is unquestionably one of the most successful people I know, and I want him to know that I am proud to call him a friend.●

THE 150TH BIRTHDAY OF ST. CLEMENT CATHOLIC CHURCH IN CENTER LINE, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today to recognize St. Clement Catholic Church in Center Line, Michigan, which will celebrate 150 years of service to the Warren and Center Line communities with an anniversary mass on October 15, 2000. The story of St. Clement is one of continual adaptation and growth, but through it all the spirit that existed in 1850 remains today, for the church has never stayed from its original purpose of teaching the timeless lessons of faith and love.

The perfect illustration of how important St. Clement is to the Warren and Center Line communities can be seen in how many times it has been forced to be reconstructed. In 1857, a school was added to the church. After expansions to the original building in 1868 and 1879, the growing size of the congregation forced a new building to be constructed in 1880. In 1922, a new school had to be built to accommodate the growing number of students, and, ultimately, another school was constructed anew in 1953. In May of 1960, ground broke on the present church building. It is an extraordinary piece of architecture, a Cruciform-shaped structure with a 65 foot high vaulted ceiling, gables that form a cross, hundreds of stain-glassed panes, a main altar of imported marble, a seating capacity of over 1,600 worshippers and two cry rooms.

An essential part of the success of St. Clement Church has been its leadership. From 1868–1890, Father William Hendrix guided the growing church to the point where it had firmly established its presence as the center of social activity in the Warren and Center Line communities. From 1890–1929, Father John Kramer's devotion to improving education was essential not only to having the new school be built, but also to filling it with nearly 400 students. Father Alexander Mayer guided the parish through the Depression, World War II and the Korean War, and his leadership enabled the church to make it through years of financial hardship.

Father Timothy Edward Murray oversaw the building of the third St. Clement Church, as well as set up a program where St. Clement Schools became involved in a shared-time program with Center Line Public Schools. In 1976, Father James Murphy returned a warmth and camaderie to the parish. From 1992–97, the Rev. Dr. Arthur J. Jacobi, Jr.'s many skills both as an educator and as a professional businessman helped to lead St. Clement both spiritually and financially. And today, Father Ron Victor continues in this strong tradition of leadership, overseeing the growth and adaptation that is a necessary part of any church's history, while at the same time shepherding his parish on its continuous mission of faith and love.

For 150 years, St. Clement Catholic Church has been an essential part of the Warren and Center Line communities. It has been a constant source of leadership within these communities, and has guided them through both good and bad times. It has also provided thousands of children with a solid foundation upon which to grow and become upstanding members of their own communities. On behalf of the entire United States Senate, I congratulate St. Clement Catholic Church on 150 successful years of leadership and growth, and wish the church continued success in the future.●

OLYMPIC SWIMMER B.J. BEDFORD

● Mr. GREGG. Mr. President, I rise today to recognize and honor B.J. Bedford, a gold medalist for the 2000 United States Olympic Swim Team and originally from the town of Hanover in my home state of New Hampshire. B.J. has been a competitive swimmer in national standings for years. She competed in the 1988 Olympic trials when she was just 15 years old. After three Olympic trials and a successful 12 year career in domestic competition, B.J.'s hard work has paid off this year as she secured a spot on the U.S. Swim Team for the 2000 Summer Games.

B.J.'s participation in the XXVII Olympiad certainly adds to a long and illustrious career in swimming. B.J. Bedford has qualified and competed in four Olympic trials, winning the 100 meter backstroke this year, set an American record in the 50 meter backstroke, and won seven U.S. National Titles in the 50, 100 and 200 meter backstroke and two gold medals for relays at the 1998 World Championships. On September 23, 2000, B.J. Bedford became the holder of a new world record. Swimming the backstroke leg of the 4 x 100 meter medley relay, B.J. and three of her teammates won gold in Sydney and smashed the previously held world record by an incredible three seconds.

Her outstanding work in the pool, along with her display of dedication to her sport and her country, have helped to make the U.S. Swim Team more successful than any other country at the Sydney Games. The United States won 33 medals in swimming, tying its highest total since 1984. B.J. Bedford was an important part of this overall team victory, as her experience undoubtedly made her a leader in the pool. B.J.'s athleticism, drive and determination have allowed her to claim her place in history. She has made both New Hampshire and the country proud, and I am confident that B.J. will be successful in all that she chooses to do.

I would like to congratulate B.J. for her fine work at the Olympics, for the excitement that she brought to Americans this summer, and for her gracious representation of the United States. She is a positive role model that will be looked up to by younger swimmers, and for that, she should be proud. We wish her nothing but the best in all of her future endeavors.●

IN RECOGNITION OF CORE CITY NEIGHBORHOODS IN DETROIT, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today to recognize Core City Neighborhoods of Detroit, Michigan, which will hold its 16th Annual Meeting and Dinner on October 12, 2000. In its sixteen years, Core City Neighborhoods has been a leader in the field of community development, serving and supporting the residents and small businesses of Southwest Detroit in an exemplary manner.

The mission of Core City Neighborhoods is to strengthen the social and human development of the Southwest Detroit community while at the same time helping to spur the physical and economic development of the area. The organization does this through a variety of programs, focusing on such

things as youth and adult leadership to training and employment.

One of the most successful Core City Neighborhoods program has been an after school program for children aged 6–13. The program seeks to strengthen academic and life skills, such as substance abuse and violence prevention, as well as provide a safe and positive environment for the youth involved. The program also provides children with tutoring and mentoring. They work on homework together, and play board games and sports in an effort to aid in the development of teamwork skills and self confidence.

Another program sponsored by CCN is the Multi-Family Apartment Building Acquisition and Rehabilitation Program. The goal of this program is to prevent further loss of highly visible apartment buildings, buildings which truly serve as the foundations of the Southwest Detroit community. The program includes counseling. Homebuyers Club, Home Repair workshops, loans and referrals on such topics as credit and budgeting.

Core City Neighborhoods has also been directly responsible for the development of nearly 200 units of housing, totaling over $12 million of reinvestment into the Southeast Detroit community. This includes the development of the Alberta W. King Village Apartments, which were built to house low to moderate income families.

I applaud the many people involved with Core City Neighborhoods on the extraordinary work they have done on behalf of Southwest Detroit. No group works harder to build up this community, both physically and spiritually. On behalf of the entire United States Senate I thank Core city Neighborhoods for fifteen successful years of civic service, and wish the organization continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:19 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

At 11:59 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

At 1:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1143. An act to establish a program to provide assistance for programs of credit and other financial services for microenterprises in developing countries, and for other purposes.

H.R. 1162. An act to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the ''William H. Natcher Bridge.''

H.R. 1605. An act to designate the Federal building and United States courthouse located at 402 North Walnut Street and Prospect Avenue in Harrison, Arkansas, as the ''J. Smith Henley Federal Building and United States Courthouse.''

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4578. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. An act to designate the Federal building located at 1710 Alabama Avenue in Jasper, Alabama, as the ''Carl Elliott Federal Building.''

H.R. 5284. An act to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the ''Owen B. Pickett United States Customhouse.''

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:14 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11047. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of five items; to the Committee on Environment and Public Works.

EC–11048. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Promulgation of Extension of Attainment Date for the San Diego, California Serious Ozone Nonattainment Area'' (FRL #6872–8) received on October 4, 2000; to the Committee on Environment and Public Works.

EC–11049. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Waste; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities'' (FRL #6882–6) received on October 4, 2000; to the Committee on Environment and Public Works.

EC–11050. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 'Announcement of Proposal Deadline for the Competition for the FY 2001 Brownfields Cleanup Revolving Loan Fund Pilots''' (FRL #6884–1) received on October 5, 2000; to the Committee on Environment and Public Works.

EC–11051. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program, Regulatory Review: Electronic Benefit Transfer (EBT) Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996'' (RIN0584–AC44) received on October 3, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11052. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Phosphorus Acid; Exemption from the Requirement of a Tolerance'' (FRL #6599–1) received on October 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11053. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of one item, received on October 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11054. A communication from the Acting Associate Administrator for Civil Rights, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' received on October 3, 2000; to the Committee on Governmental Affairs.

EC–11055. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report relative to the strategic plan for fiscal years 2000 through 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–11056. A communication from the Acting Director of Communications and Legislative Affairs, Equal Opportunity Commission, transmitting, pursuant to law, a report relative to the employment of minorities, women and people with disabilities; to the Committee on Health, Education, Labor, and Pensions.

EC–11057. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of the transmittal of the certification of the proposed issuance of an export license relative to the United Kingdom, France, Italy, Sweden, Australia, Germany, Norway, Japan, Belgium, Bermuda, and Canada; to the Committee on Foreign Relations.

EC–11058. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to the updated strategic plan for fiscal year 2000 through 2005; to the Committee on Foreign Relations.

EC–11059. A communication from the Director of the Office of Equal Opportunity Program, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN1190–AA28) received on October 3, 2000; to the Committee on Finance.

EC–11060. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the effect of the Nursing Home Initiative on nursing home quality of care; to the Committee on Finance.

EC–11061. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Advance transit passes under section 132(f) of the Internal Revenue Code'' (Announcement 2000–78) received on October 4, 2000; to the Committee on Finance.

EC–11062. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 846 Discount Factors for 2000'' (Revenue Procedure 2000–44) received on October 5, 2000; to the Committee on Finance.

EC–11063. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 832 Discount Factors for 2000'' (Revenue Procedure 2000–45) received on October 5, 2000; to the Committee on Finance.

EC–11064. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rabbi Trust Notice'' (Notice 2000–56) received on October 5, 2000; to the Committee on Finance.

EC–11065. A communication from the Attorney-Advisor, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice of Proposed Rulemaking; Rules and Procedures for Efficient Federal-State Transfers'' (RIN1510–AA38) received on October 5, 2000; to the Committee on Finance.

EC–11066. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the revised strategic plan; to the Committee on Commerce, Science, and Transportation.

EC–11067. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Appliance Labeling Rule, 16 C.F.R. Part 305'' (RIN3084–AA74) received on October 4, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11068. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D Airspace; Gary IN and establishment of Class E Airspace; Gary, IN; docket No. 00–AGL–16 [9–29/10–5]'' (RIN2120–AA66) (2000–0228) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11069. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Duchesne, UT; docket No. 00–ANM–08 [9/21–10/5]'' (RIN2120–AA66) (2000–0229) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11070. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Designations, IBR; docket No. 29334 [9–19/10–5]'' (RIN2120–AA66) (2000–0230) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11071. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Augusta SpA Model A109E Helicopters; docket No. 2000–SW–41 [9–23/10–5]'' (RIN2120–AA64) (2000–0477) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11072. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777 Series Airplanes; docket No. 2000–NM–259 [9–22/10–5]'' (RIN2120–AA64) (2000–0478) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11073. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes, docket No. 2000–NM–43 [9–20/10–5]'' (RIN2120–AA64) (2000–0479) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11074. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB135 and EMB 145 Series Airplanes; docket No. 2000–NM–300 [9–18/10–5]'' (RIN2120–AA64) (2000–0480) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11075. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB135 and EMB 145; docket No. 2000–NM–301'' (RIN2120–AA64) (2000–0481) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11076. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (28); Amdt. No. 2010 [9–21/10–5]'' (RIN2120–AA65) (2000–0048) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11077. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (147); amdt. No. 2011 [9–21/10–5]'' (RIN2120–AA65) (2000–0049) received on October 5, 2000; to the Committee on Commerce, Science, and Transportation.

PETITONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–627. A resolution adopted by the Senate of the State of Michigan relative to a proposed mitigation policy for portions of the Lake Michigan shoreline; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 209

Whereas, The United States Army Corps of Engineers, through its Detroit district office, has issued a proposed erosion mitigation policy for shore protection projects along the eastern shoreline of Lake Michigan's Lower Peninsula. This proposed policy is designed to minimize damage to the delicate ecology of the shore by structures constructed to save property threatened by erosion. The corps is seeking public comment until September 29, 2000; and

Whereas, The policy proposed provides for a series of requirements and reviews to safeguard the shoreline from damage that may occur at locations that can be some distance from any retaining wall or other project. A variety of permit options are presented; and

Whereas, There are many aspects of the proposed policy that have generated concern. One of the key problem areas is the possibility that the Corps of Engineers may be impinging upon the rights of private property owners to take reasonable steps to protect their property. Requirements for private property owners who follow regulations in constructing protective seawalls to bear all of the costs of beach nourishment can be a major obstacle for a property owner protecting his or her property; and

Whereas, In any discussion of the erosion mitigation policy, it is essential to determine the authority for the establishment of policies and for the enforcement of them. The line between congressional responsibility and the Army's responsibility must be understood for both clarity and consistency. This will also contribute to public support for shore protection practices; now, therefore, be it

Resolved by the Senate, That we urge the United States Army Corps of Engineers to hold public hearings on its proposed erosion mitigation policy for portions of the Lake Michigan shoreline (file number 00–900–001–0); and be it further

Resolved, That copies of this resolution be transmitted to the Detroit District of the United States Army Corps of Engineers, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 1688: A bill to amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in

the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, and for other purposes (Rept. No. 106–492).

H.R. 3995: A bill to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government (Rept. No. 106–493).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. CONRAD):

S. 3176. A bill to conduct a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in rural states by developing a comprehensive program that will result in statewide physician population growth; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. REED):

S. 3177. A bill to require the Secretary of Health and Human Services to establish minimum nursing staff levels for nursing facilities, to provide for grants to improve the quality of care furnished in nursing facilities, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. AKAKA)):

S. 3178. A bill to amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same age that applies with respect to Federal law enforcement officers; to the Committee on Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. CLELAND):

S. 3179. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EDWARDS:

S. 3180. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. BYRD, and Mr. SCHUMER):

S. Res. 368. A resolution to recognize the importance of relocating and renovating the Hamilton Grange, New York; to the Committee on Energy and Natural Resources.

By Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mr. STEVENS):

S. Con. Res. 145. A concurrent resolution expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capital; considered and agreed to.

By Mr. WELLSTONE (for himself and Mr. GRAMS):

S. Con. Res. 146. A concurrent resolution condemning the assassination of Father John Kaiser and others in Kenya, and calling for a thorough investigation to be conducted in those cases, a report on the progress made in such an investigation to be submitted to Congress by December 15, 2000, and a final report on such an investigation to be made public, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BINGAMAN (for himself, Mr. DOMENICI and Mr. CONRAD):

S. 3176. A bill to conduct a demonstration program to show that physician shortage, recruitment, and retention problems may be ameliorated in rural states by developing a comprehensive program that will result in statewide physician population growth; to the Committee on Finance.

RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION ACT OF 2000

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator DOMENICI of New Mexico to introduce legislation that is intended address a significant problem facing some rural states today—a serious shortage of physicians. The bills we are introducing are intended to demonstrate that physician shortages, and recruitment and retention problems can be ameliorated in some rural states by a multifaceted approach, including providing incentives for physicians in training to practice in areas where they are most likely to be needed.

The Council on Graduate Medical Education (COGME) has for some time held the position that the U.S., in the aggregate, has enough, if not too many, physicians. However, COGME's most recent report, published in March 1999, documented that almost half of the counties in our country are designated as Health Professional Shortage Areas—a remarkable finding, given almost three decades of Federal government efforts to address the geographic maldistribution of physicians.

In our State of New Mexico we have physician shortages that are worsening, with certain types of speciality physicians being in the shortest supply. According to 1998 data from the American Medical Association, New Mexico is 20 percent below the U.S. national average of 224 patient care physicians per 100,000 persons. In 15 New Mexico counties, there is no more than 1 physician or less per 1000 population, and 1 New Mexico county has no physician at all to care for its population.

And, Mr. President, New Mexico is not alone. Other rural states are also suffering.

A recent Health Care Finance Administration report showed that there has been a decline over the past 5 years in certain types of specialty physicians either practicing medicine or participating in the Medicare program in many rural states. The worst loss for New Mexico has occurred in thoracic surgery with a 35 percent decline. Several other specialities, such as urology, ophthalmology, and psychiatry, are not that far behind.

The only significant physician growth that can be seen is in primary care and that's still not adequate. With losses occurring in certain physician specialties, problems for all physicians' practices are continuing to worsen—they can't refer patients to specialists without great difficulty. For example, in New Mexico, there have been accounts of patients being referred to ear, nose and throat doctors having to wait up to 9 months for a non-emergency consultation. Without a timely in-state consultation, the patient's primary care physician may have to refer the patient to an out of state speciality physician for care. This is frustrating for the physician, and costly and time consuming for the patient.

As many of you know, New Mexico is one of the nation's poorest states, with a large uninsured population. In 1998, it ranked 48th in the amount of personal income per capita. For many physicians, this means they may never get paid for much of the work they do.

The physician shortage is becoming so severe in our state that last year the New Mexico Medical Society conducted a survey of our physicians to try to find out about how doctors are faring in the state. The response from New Mexico physicians was shocking—42 percent of the physicians surveyed said that they are seriously or somewhat seriously considering leaving their medical practice, and 40 percent said that reimbursement rates are a significant problem. Comments offered by physicians in this survey were very clear—''I make a good income, but to do that I have to work 65–70 hours a week, in, and week out. The reimbursement rates are such that I could move to a lot of nice places and maintain my income and work three-quarters as much. Family life is important.''

Almost weekly, New Mexico newspapers report about problems caused by provider shortages. On September 7th, the Albuquerque Journal carried a story about a women who had fallen, bruised her spinal cord, and rapidly developed paralysis of both hands and arms. She had to wait 18 hours to be seen on an emergency basis because of a critical shortage of neurosurgeons in Albuquerque, New Mexico's largest city. Stories like this one are becoming more and more common. There are many accounts of New Mexicans having to wait up to 9 months for an appointment to be seen by a specialist, and of newborns having to be transported out of state because the neonatal intensive care unit does not have adequate physician coverage.

My offices in Washington, DC, and New Mexico are constantly receiving letters and phone calls, and visits from constituents who want to tell us about physician shortages, physicians leaving the State of New Mexico, and the loss of their individual providers. They can't understand why this happening in a country with the greatest healthcare system in the world.

All of these problems clearly show that New Mexico's health care system

has broken down. However, it is not only New Mexico that is experiencing these problems. Other rural states are experiencing similar problems—they have become states that are being avoided by physicians entering practice. With the population in these states continuing to grow, the problem just gets worse. If this situation is not addressed right now, it will result in a complete breakdown of an already fragile health care delivery system.

This is why we are each introducing this package of legislation today. These two bills, the ''Rural States Physician Recruitment and Retention Demonstration Act of 2000, will together, when enacted, demonstrate that physician shortages and recruitment and retention problems can be ameliorated in rural states by instituting a comprehensive plan that provides for a proper physician speciality mix that will address the needs of a rural state's population.

My legislation will require the Secretary of the Department of Health and Human Services to establish a demonstration program that will:

Target up to a 15 percent increase in physician residency slots identified to be in short supply in demonstration states. These expanded residency slots would carry with them a legally binding commitment to practice in the demonstration state on a year of training for year of service basis.

Establish a loan repayment program to provide incentives for physicians in identified shortage specialities to locate their practices in demonstration states. This program will help physicians repay their educational loans on a year of service for a year of loan repayment basis in return for a commitment to practice in the demonstration state.

Develop a demonstration state health professional data base to capture and track the practice characteristics and distribution of licensed health care providers. This data will be used to develop a baseline and track changes in a demonstration state's health professions workforce, target this demonstration program to identified physician specialities and determine a state's need for other types of supportive health professionals.

Provide for an evaluation of each element of our comprehensive demonstration by the Council on Graduate Medical Education (COGME) for physician workforce issues, and by Medicare Payment Advisory Commission (Medpac) for Medicare reimbursement and Medicare funded graduate medical education positions.

As I mentioned earlier, one of the primary reason physicians report they are leaving New Mexico is because reimbursement is too low, particularly when combined with other factors like long work days, inability to recruit speciality physicians, and provide comprehensive patient care in a reasonable period of time.

That's why the second part of this package, the Physician Recruitment and Retention Act of 2000, consists of legislation that will provide physicians that are practicing in demonstration states with a special 5 percent Medicare part B reimbursement rate increase. This increase will provide a financial incentive to physicians to continue to practice in the underserved states and also to continue to participate in the Medicare program.

Both Senator DOMENICI and I anticipate that by the end of this demonstration program, physician shortages, particularly in specific physician specialities, will be greatly diminished or even have disappeared.

Mr. President, the health care system in New Mexico is near collapse for reasons too numerous and complex to get into here. These bills we are introducing today, in combination with the fixes we are making to the problems resulting from the BBA of 1997, may stave off disaster for a while. I certainly hope they will.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Rural States Physician Recruitment and Retention Demonstration Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) COGME.—The term ''COGME'' means the Council on Graduate Medical Education established under section 762 of the Public Health Service Act (42 U.S.C. 294o).

(2) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Rural States Physician Recruitment and Retention Demonstration Program established by the Secretary under section 3(a).

(3) DEMONSTRATION STATES.—The term ''demonstration States'' means the 2 States selected by the Secretary that, based upon 1998 data, have—

(A) an uninsured population above 20 percent (as determined by the Bureau of the Census);

(B) a population eligible for medical assistance under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) above 17 percent (as determined by the Health Care Financing Administration);

(C) an unemployment rate above 4.8 percent (as determined by the Bureau of Labor Statistics);

(D) an average per capita income below $21,200 (as determined by the Bureau of Economic Analysis); and

(E) a geographic practice cost indices component of the reimbursement rate for physicians under the medicare program that is below the national average (as determined by the Health Care Financing Administration).

(4) ELIGIBLE RESIDENCY OR FELLOWSHIP GRADUATE.—The term ''eligible residency or fellowship graduate'' means a graduate of an approved medical residency training program (as defined in section 1886(h)(5)(A) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(A))) in a shortage physician specialty.

(5) HEALTH PROFESSIONS DATABASE.—The term ''Health Professions Database'' means the database established under section 4(a).

(6) MEDICARE PROGRAM.—The term ''medicare program'' means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) MEDPAC.—The term ''MedPAC'' means the Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(9) SHORTAGE PHYSICIAN SPECIALTIES.—The term ''shortage physician specialty'' means a medical or surgical specialty identified in a demonstration State by the Secretary based on—

(A) an analysis and comparison of National data and demonstration State data; and

(B) recommendations from appropriate Federal, State, and private commissions, centers, councils, medical and surgical physician specialty boards, and medical societies or associations involved in physician workforce, education and training, and payment issues.

SEC. 3. RURAL STATES PHYSICIAN RECRUITMENT AND RETENTION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Rural States Physician Recruitment and Retention Demonstration Program for the purpose of ameliorating physician shortage, recruitment, and retention problems in rural states in accordance with the requirements of this section.

(2) CONSULTATION.—For purposes of establishing the demonstration program, the Secretary shall consult with—

(A) COGME;

(B) MedPAC;

(C) a representative of each demonstration State medical society or association;

(D) the health workforce planning and physician training authority of each demonstration State; and

(E) any other entity described in section 2(9)(B).

(b) DURATION.—The Secretary shall conduct the demonstration program for a period of 10 years.

(c) CONDUCT OF PROGRAM.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of the Health Care Financing Administration) shall—

(i) waive any limitation under section 1886 of the Social Security Act (42 U.S.C. 1395ww) with respect to the number of residency and fellowship positions;

(ii) increase by up to 15 percent of the total number residency and fellowship positions approved at each medical residency training program in each demonstration State the number of residency and fellowships in each shortage physician specialty; and

(iii) subject to subparagraph (C), provide funding for such additional positions under subsections (d)(5)(B) and (h) of section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(B) ESTABLISHMENT OF ADDITIONAL POSITIONS.—

(i) IDENTIFICATION.—The Secretary shall identify each additional residency and fellowship position created as a result of the application of subparagraph (A).

(ii) NEGOTIATION AND CONSULTATION.—The Secretary shall negotiate and consult with representatives of each approved medical residency training program in a demonstration State at which a position identified under clause (i) is created for purposes of supporting such position.

(C) CONTRACTS WITH RESIDENTS AND FELLOWS.—

(i) IN GENERAL.—The Secretary shall condition the availability of funding for each residency and fellowship position identified under subparagraph (B)(i) on the execution of a contract containing the provisions described in clause (ii) by each individual accepting such a residency or fellowship position.

(ii) PROVISIONS DESCRIBED.—The provisions described in this clause provide that, upon completion of the residency or fellowship, the individual completing such residency or fellowship will practice in the demonstration State in which such residency or fellowship was completed that is designated by the contract for 1 year for each year of training under the residency or fellowship in the demonstration State.

(iii) CONSTRUCTION.—The period that the individual practices in the area designated by the contract shall be in addition to any period that such individual practices in an area designated under a contract executed pursuant to paragraph (2)(C).

(D) LIMITATIONS.—

(i) PERIOD OF PAYMENT.—The Secretary may not fund any residency of fellowship position identified under subparagraph (B)(i) for a period of more than 5 years.

(ii) PHASE-OUT OF PROGRAM.—The Secretary may not enter into any contract under subparagraph (C) after the date that is 5 years after the date on which the Secretary establishes the demonstration program.

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—

(A) IN GENERAL.—As part of the demonstration program, the Secretary (acting through the Administrator of Health Resources and Services Administration) shall establish a loan repayment and forgiveness program, through the holder of the loan, under which the Secretary assumes the obligation to repay a qualified loan amount for an educational loan of an eligible residency or fellowship graduate—

(i) for which the Secretary has approved an application submitted under subparagraph (D); and

(ii) with which the Secretary has entered into a contract under subparagraph (C).

(B) QUALIFIED LOAN AMOUNT.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall repay not more than $25,000 per graduate per year of the loan obligation on a loan that is outstanding during the period that the eligible residency or fellowship graduate practices in the area designated by the contract entered into under subparagraph (C).

(ii) LIMITATION.—The aggregate amount under this subparagraph shall not exceed $125,000 for any graduate and the Secretary may not repay or forgive more than 30 loans per year in each demonstration State under this paragraph.

(C) CONTRACTS WITH RESIDENTS AND FELLOWS.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall execute a contract containing the provisions described in clause (ii).

(ii) PROVISIONS.—The provisions described in this clause are provisions that require the eligible residency or fellowship graduate to practice in a demonstration State during the period in which a loan is being repaid or forgiven under this section.

(D) APPLICATION.—

(i) IN GENERAL.—Each eligible residency or fellowship graduate desiring repayment of a loan under this paragraph shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(ii) PHASE-OUT OF LOAN REPAYMENT AND FORGIVENESS PROGRAM.—The Secretary may not accept an application for repayment of any loan under this paragraph after the date that is 5 years after the date on which the demonstration program is established.

(E) CONSTRUCTION.—Nothing in the section shall be construed to authorize any refunding of any repayment of a loan.

(F) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this paragraph and any loan repayment or forgiveness program under title VII of the Public Health Service Act (42 U.S.C. 292 et seq.).

(d) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary is authorized to waive any requirement of the medicare program, or approve equivalent or alternative ways of meeting such a requirement, if such waiver is necessary to carry out the demonstration program, including the waiver of any limitation on the amount of payment or number of residents under section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(e) APPROPRIATIONS.—

(1) FUNDING OF ADDITIONAL RESIDENCY AND FELLOWSHIP POSITIONS.—Any expenditures resulting from the establishment of the funding of additional residency and fellowship positions under subsection (c)(1) shall be made from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i).

(2) LOAN REPAYMENT AND FORGIVENESS PROGRAM.—There are authorized to be appropriated such sums as may be necessary to carry out the loan repayment and forgiveness program established under subsection (c)(2).

SEC. 4. ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.

(a) ESTABLISHMENT OF THE HEALTH PROFESSIONS DATABASE.—

(1) IN GENERAL.—Not later than 7 months after the date of enactment of this Act, the Secretary (acting through the Administrator of Health Resources and Services Administration) shall establish a State-specific health professions database to track health professionals in each demonstration State with respect to specialty certifications, practice characteristics, professional licensure, practice types, locations, education, training, as well as obligations under the demonstration program as a result of the execution of a contract under paragraph (1)(C) or (2)(C) of section 3(c).

(2) DATA SOURCES.—In establishing the Health Professions Database, the Secretary shall use the latest available data from existing health workforce files, including the AMA Master File, State databases, specialty medical society data sources and information, and such other data points as may be recommended by COGME, MedPAC, the National Center for Workforce Information and Analysis, or the medical society of the respective demonstration State.

(b) AVAILABILITY.—

(1) DURING THE PROGRAM.—During the demonstration program, data from the Health Professions Database shall be made available to the Secretary, each demonstration State, and the public for the purposes of—

(A) developing a baseline and to track changes in a demonstration State's health professions workforce;

(B) tracking direct and indirect graduate medical education payments to hospitals;

(C) tracking the forgiveness and repayment of loans for educating physicians; and

(D) tracking commitments by physicians under the demonstration program.

(2) FOLLOWING THE PROGRAM.—Following the termination of the demonstration program, a demonstration State may elect to maintain the Health Professions Database for such State at its expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for the purpose of carrying out this section.

SEC. 5. EVALUATION AND REPORTS.

(a) EVALUATION.—

(1) IN GENERAL.—COGME and MedPAC shall jointly conduct a comprehensive evaluation of the demonstration program established under section 3.

(2) MATTERS EVALUATED.—The evaluation conducted under paragraph (1) shall include an analysis of the effectiveness of the funding of additional residency and fellowship positions and the loan repayment and forgiveness program on physician recruitment, retention, and specialty mix in each demonstration State.

(b) PROGRESS REPORTS.—

(1) COGME.—COGME shall submit a report on the progress of the demonstration program to the Secretary and Congress 1 year after the date on which the Secretary establishes the demonstration program, 5 years after such date, and 10 years after such date.

(2) MEDPAC.—MedPAC shall submit biennial reports on the progress of the demonstration program to the Secretary and Congress.

(c) FINAL REPORT.—Not later than 1 year after the date on which the demonstration program terminates, COGME and MedPAC shall submit a final report to the President, Congress, and the Secretary which shall contain a detailed statement of the findings and conclusions of COGME and MedPAC, together with such recommendations for such legislation and administrative actions as COGME and MedPAC consider appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to COGME such sums as may be necessary for the purpose of carrying out this section.

SEC. 6. CONTRACTING FLEXIBILITY.

For purposes of conducting the demonstration program and establishing and administering the Health Professions Database, the Secretary may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

By Mr. GRASSLEY (for himself, Mr. BREAUX, and Mr. REED):

S. 3177. A bill to require the Secretary of Health and Human Services to establish minimum nursing staff levels for nursing facilities, to provide for grants to improve the quality of care furnished in nursing facilities, and for other purposes; to the Committee on Finance.

NURSING HOME STAFF IMPROVEMENT ACT OF 2000

Mr. GRASSLEY. Mr. President, I am pleased to have the support of Senator BREAUX in introducing The Nursing Home Staff Improvement Act of 2000. This is an important piece of legislation for the 1.6 million frail elderly Americans who reside in nursing homes across the nation.

A recently released and long overdue report from the Health Care Financing

Administration was the immediate impetus for our bill. This report was first mandated by Congress in 1990. It took the Department of Health and Human Services 10 years to complete Part I of the report. It will take almost another year to finish it. The first part of the study documented, to just about everyone's satisfaction, severe staffing shortages, severe staffing shortages in our nation's nursing homes. While we are waiting for the agency to complete the second and final part of the report, Senate BREAUX and I want to begin to address the staffing crisis in long-term care. Therefore, we are introducing this legislation today.

We have a long way to go in meeting the staffing needs of elderly nursing home residents. The bill we are introducing today is not the answer to the problem. It is only a first step. Yet, it is an extremely important step that Congress should take.

Before describing the bill Senator BREAUX and I are introducing today, I'd like to take a couple of minutes to go over the history of our committee's work on nursing home quality of care and HCFA oversight of the Nursing Home Reform Act of 1987. It's important for me to emphasize the scope and depth of the problem in order to give my fellow Senators an appreciation of the context out of which this legislation developed.

In the fall of 1997, serious allegations were brought to my attention about the quality of care provided in California nursing homes. These allegations claimed that thousands of California nursing home residents had suffered and met with untimely and unnecessary deaths due to malnutrition, dehydration, decubitus ulcers, and urinary tract infections.

In an effort to respond to these allegations, I asked the General Accounting Office [GAO] to conduct a thorough review of them and, more generally, of the quality of care in California nursing homes.

This review culminated in a 2-day hearing held on July 27–28, 1998, entitled ''Betrayal: The Quality of Care in California Nursing Homes.'' At this hearing, the GAO released its report titled ''California Nursing Homes: Care Problems Persist Despite Federal and State Oversight.'' The findings of this report were explosive and disturbing, illustrating that residents in far too many California nursing homes were threatened by seriously substandard care.

One week prior to this hearing, the Clinton administration announced a broad set of new nursing home initiatives to improve enforcement of the Nursing Home Reform Act and, hence, the quality of care in nursing facilities. The administration was acting in response to the impending release of the GAO's study before the scheduled Aging Committee hearing. It acted also in response to a congressionally mandated report by the Department of Health and Human Services on nursing home oversight that was completed just before the hearing. The Department's report uncovered weaknesses on the part of the federal government in its oversight of nursing home quality of care. As the Federal agency with regulatory oversight responsibility over our Nation's nursing homes, the Health Care Financing Administration [HCFA] is responsible for monitoring the compliance of nursing home facilities in meeting the requirements of the Nursing Home Reform Act. For facilities found to be noncompliant, HCFA is responsible for seeing that remedies or sanctions are imposed until the situation is corrected. The administration's report found shortcomings in HCFA's enforcement of the Nursing Home Reform Act of 1987. The agency's report was really a kind of self-indictment. Up to that point, the agency had failed in its responsibility to protect nursing home residents.

As part of its multistep initiative, the administration called for improvements in nursing home inspections, better and more timely enforcement against nursing homes that repeatedly violate safety rules, and more attention to quality of care for nursing home residents through prevention of bed sores, malnutrition and dehydration. HCFA was given the responsibility for carrying out this initiative. Under my chairmanship, the Senate Special Committee on Aging has taken an active role in overseeing the implementation of the President's nursing home initiative led by the Administrator of HCFA. At regular hearings and forums, 10 to be specific, I have heard from family members, health care professionals and other long-term care experts about the progress and obstacles in achieving improved nursing home quality of care.

Anecdotally, we have heard from the very beginning of our work on nursing home quality of care that understaffing is a root cause of many of the problems facing nursing home residents. Because we desperately needed a more systematic, research-based analysis of this understaffing problem, I had persistently urged HCFA to finish the long delayed staffing report I mentioned earlier.

On July 27, 2000, Part I of the report, entitled ''Appropriateness of Minimum Staffing Ratios in Nursing Homes'' was done, and our committee held a hearing to take testimony on it. The report and the hearing presented groundbreaking new information on nursing facility staffing. It was the first time that understaffing, and the consequences of understaffing, were described by a scientifically sound government report. Although a Part II of the report will be required to completely validate the findings of Part I and to analyze a number of other questions raised by Part I, the report showed for the first time what family members and resident advocates had been saying for years: that the majority of nursing homes in our country are dramatically understaffed. Specifically, the report concluded that more than half of nursing facilities around the country employ too few nurses and nurse aides to provide adequate care to residents.

As a result of these report findings, I began working on legislation to address the serious problems of understaffing. I started by seeking input from interested parties, including the Administration, nursing home providers, health care professionals, and resident advocates. I finalized my proposal right around the same time the President announced the administration's initiative in this area. The two proposals are similar in their goal to start addressing the problems of understaffing in nursing facilities.

As I said earlier, the impetus for my bill was the Report to Congress on the ''Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes''. The major conclusions of the report are outlined in the Findings section of our bill. The report found that 2.0 nurse aide hours per resident day is a threshold below which residents' lives are at risk, not a standard for the provision of appropriate care. The findings also showed that 2.9 nurse aide hours per resident day are necessary for a nurse aide to complete core resident care tasks, although, because of the very conservative estimates used in this part of the study, 2.9 hours probably significantly understates the staffing levels necessary for a nurse aide to complete these core tasks. Part I of the report also indicated that Part II will analyze and report on minimum staffing levels according to a facility's resident acuity level. I urge Congress and the Administration to be careful in accepting either the 2.0 or 2.9 nurse aide hours per resident day as a minimum goal for nursing facilities until these results are validated and case-mix is included in the equation. It is reasonable to expect that staffing requirements will be substantially higher for facilities that have residents with higher acuity.

Our bill calls for the completion of phase two of the study. It requires the Secretary to complete the report not later than July 1, 2001. It adds to the original authority a requirement that the study undertake several tasks that Part I of the report stated would be done in the second phase. Among other things, these tasks include a requirement that the case mix analysis of Part I of the report be further refined and related to appropriate minimum staffing levels. It also adds to the original authority a requirement that the report analyze ''optimal minimum'' caregiver to resident levels and ''optimal minimum'' supervisor to caregiver levels of skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program. We modified the original authority in this manner because we believed the public should know not just appropriate minimum

staffing levels, but also what more optimal staffing levels should be in nursing facilities.

My bill requires that minimum staffing levels be developed and enforced within one year of the completion of the Report. It requires the Secretary to make recommendations regarding appropriate minimum caregiver to resident levels and minimum supervisor to caregiver levels for skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program. The Secretary further shall require through the administrative rulemaking process compliance with appropriate minimum staffing levels as a condition for such facilities to receive payment under those programs. The Secretary would be required to promulgate a final rule not later than one year after completion of the report.

The bill requires that the Secretary establish appropriate minimum staffing levels because we believed that a regulatory requirement should establish those staffing levels that will assure that residents receive the quality of care they have a right to receive under the terms of the Nursing Home Reform Act of 1987. We assume that the resident case mix of a facility will have an effect on the appropriate minimum staffing levels of the facility.

In order to help States prepare for the minimum staffing levels that the Secretary will promulgate by July 1, 2002, my bill establishes a competitive state grant program. The purpose of the grant program will be to improve staffing levels in nursing facilities in order to improve the quality of care to residents of such facilities. A state that secures such a grant may provide technical or financial support to nursing facilities, labor organizations, nonprofit organizations, community colleges, or other organizations approved by the Secretary. Such support from the state shall be used for projects which will help to increase or improve recruitment and retention of direct care nursing staff. Projects supported by a state must be consistent with the requirements of sections 1818 and 1919 of the Social Security Act. No funds may be made available to county or state-owned nursing facilities. Funds used under a grant to a state may only be used to supplement, not supplant, other funds that the state extends to carry out the activities that may be supported by this grant program. The Secretary shall evaluate this grant program and report to the Congress on her findings not later than six months after completion of the grant program. Authorized to be appropriated are $500,000,000 for each of fiscal years 2001 and 2002.

My bill includes a requirement for reporting of accurate information on staffing. Skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program would be required to submit staffing information to the Secretary in a form and manner determined by the Secretary. Such information must be attested to as accurate by the reporting facility. The Secretary shall periodically post and update such information on the Nursing Home Compare web site. Skilled nursing facilities participating in the Medicare program and nursing facilities participating in the Medicaid program shall submit to the Secretary a classification of all residents of the facility according to the resident classification system required under current law. My understanding is that nursing facilities should have data on hand and in a form that would be required by the Secretary for reporting to the Department, and, thus, the administrative burden of this requirement should be minimal.

My bill includes a requirement for posting of facility staffing information. Facilities participating in the Medicare and Medicaid program would be required to post daily for each nursing unit and each work shift the current number of licensed and unlicensed nursing staff directly responsible for resident care together with the number of residents per unit and shift.

Throughout my work and oversight activity of nursing facility quality of care, I have made it a point to stress that there are many good nursing facilities. When a family is in need of a facility for a loved one, it is critically important that individuals shop around and gather information in order to find the best nursing home to meet the needs of their loved ones. The provision in my bill calling for additional reporting of staffing and facility posting of staffing data will help families which need to find a good facility for a loved one's placement. It should also eventually have an effect on the overall quality of care in nursing facilities as families search out and choose better facilities.

The information collected by HCFA will help it improve and maintain its Nursing Home Compare web site. This is a database which contains information on every Medicare and Medicaid certified nursing home in the country. You can locate nursing homes in your area and find information about compliance with Medicare and Medicaid regulations based on the facility's most recent survey by state inspectors. Additionally, the web site contains useful phone numbers for survey agencies and long term care ombudsmen on the web site's ''Phone Directory'' page.

In closing, I plan to continue my work to improve quality of care and quality of life for nursing home residents. In my position as Chairman of the Special Committee on Aging, I will continue to monitor the quality of care provided to our nation's nursing home residents. With the assistance of the GAO, I will continually assess and monitor the Health Care Financing Administration's progress and commitment to improving the quality of care in nursing homes.

Mr. BREAUX. Mr. President, I rise today as ranking member of the Special Committee on Aging and am proud to inform you that after the culmination of years of investigation and attention to the relationship between nursing home staff levels and quality of care, today Senator GRASSLEY—my colleague on the Committee—and I are introducing legislation on this important issue. Our ''Nursing Facility Staff Improvement Act of 2000'' would encourage increased quantities of staff but also would improve the quality of those caring for our loved ones in nursing homes.

Chairman GRASSLEY and I have been committed to ensuring that our seniors are getting the best quality care possible in our nation's nursing homes, and the Aging Committee has held numerous hearings regarding the best way to reach this goal. We have been working with HCFA to determine the best way to ensure state surveyors are appropriately monitoring the quality of care their residents receive. Additionally, we held a hearing to learn from industry representatives about the links between nursing home bankruptcies and quality care. And we have continually and consistently sent the message that we will remain involved and committed to improvement for as long as it takes.

The bill we introduce today—the Nursing Facility Staff Improvement Act of 2000—is the result of bipartisan efforts to put something on the books that will not only provide real incentives for nursing home staff to strive to do their jobs well but will also be a huge step toward defining what optional nursing home care should entail. I commend President Clinton for building on the Aging Committee's findings and making this very important issue one of his priorities.

More specifically, this bill will:

Call for the Secretary of HHS to establish a competitive grant program to the states to increase or improve the recruitment and retention of direct care nursing staff. Provide for $1 billion over two years. Require that HCFA complete Phase II of their Nursing Home Staffing study and report back not later than July 1, 2001. Appropriate use of grant monies would include: establishing career ladders for nurse aides; improving nursing management; providing additional training programs for staff.

In conclusion, it is exciting for me to put forth a piece of legislation that offers tangible incentives to current and future staff and also directly encourages appropriate nursing home care for our loved ones. This effort has truly been one of joint cooperation between my Republican colleague on the Aging Committee and myself and I am proud to introduce it to you today.

Mr. REED. Mr. President, I rise today to join my colleague from Iowa, the Chairman of the Special Senate Committee on Aging, to introduce legislation that we hope will begin to address an immediate and critical labor

shortage facing nursing home facilities across the nation as well as the long term objective of establishing nursing home staffing thresholds.

In late July, the Health Care Financing Administration, HCFA, released the first phase of its long awaited report on the feasibility and appropriateness of minimum nursing home staffing ratios. The initial phase of this report explored the relationship between staffing levels and quality of care. The HCFA study found a strong correlation between certain staffing thresholds and the quality of care provided to nursing home residents. The report also found that nursing homes are having great difficulty in recruiting and retaining qualified staff to work in their facilities. Clearly, we can and should be doing more to ensure that the care of our elderly and disabled is not being placed at risk.

In my home state of Rhode Island, we have been dealing with a critical shortage in the number of Certified Nursing Assistants, CNAs, in particular. CNAs provide direct care in a skilled nursing setting to residents who need help with essential daily living tasks, such as dressing, feeding and bathing. A state task force comprised of long term care providers and nursing home consumer advocates found that over 26,000 individuals were licensed as CNAs, but only 14,000 are currently working in the field. The task force also found that the turnover rate for CNAs rose to an unprecedented 82.6 percent in 1999.

The two most important issues identified in the state report were wages and adequate staffing levels. In terms of wages, a person in my state can make more in starting salary as a hotel maid in Providence ($9.50/hour) than they would as a licensed CNA ($7.69/hour). Those individuals who have dedicated their careers to caring for our most vulnerable citizens certainly deserve better and the legislation we are introducing today will help to restore respect and dignity to the caregiver profession.

The Nursing Home Staff Improvement Act will address these problems in essentially two ways. First, the legislation requires the Secretary of Health and Human Services to complete the second phase of the nursing home staffing report by July 2001. The Secretary will then be called upon to use the findings and recommendations of the final report to develop appropriate caregiver to resident and supervisor to caregiver ratios for nursing facilities that participate in the Medicare and Medicaid programs. The second major component of the bill is the establishment of a grant program to States for the purpose of augmenting staffing levels. This provision, which is based on a initiative announced by President Clinton in mid-September, will support projects aimed at improving the recruitment and retention of direct nursing staff. The bill also requires nursing homes to post, on a daily basis, the number of staff and residents at the facility as well as submit staffing information to the Secretary.

As a member of the Special Senate Committee on Aging, I am pleased to be an original cosponsor of the Nursing Home Staff Improvement Act, a balanced piece of legislation that I believe will go a long way in stabilizing nursing home staffing levels nationwide. I look forward to working with Senator GRASSLEY and my other colleagues to enact this important legislation.

By Mrs. LINCOLN (for herself and Mr. CLELAND):

S. 3179. A bill to promote recreation on Federal lakes, to require Federal agencies responsible for managing Federal lakes to pursue strategies for enhancing recreational experiences of the public, and for other purposes; to the Committee on Energy and Natural Resources.

RECREATION LAKES ACT OF 2000

Mrs. LINCOLN. Mr. President, I rise today to introduce the Recreation Lakes Act of 2000—a bill that will recognize the benefits and value of recreation at federal lakes and give recreation a seat at the table in the management decisions of all our federal lakes. I am proud to be joined in this effort today by Senator CLELAND.

Recreation on our federal lakes has become a powerful tourist magnet, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services. And by the middle of this century, our federal lakes are expected to host nearly two billion visitors per year.

Yet, even with the millions of visitors each year to our lakes and reservoirs, recreation has suffered from a lack of unifying policy direction and leadership, as well as insufficient interagency and intergovernmental planning and coordination. Most federal agencies are focused on the traditional functions of man-made lakes and reservoirs; flood control, hydroelectric power, water supply, irrigation, and navigation. And often recreation is left out of the decision process.

Mr. President, this legislation will reaffirm that recreation is also an authorized purpose at almost all federal lakes and direct the agencies managing these projects to take action to reemphasize recreation programs in their management plans. This legislation will emphasis partnerships between the federal government, local governments, and private groups to promote responsible recreation on all our federal lakes.

It will establish a National Recreational Lakes Demonstration Program, comprised of up to 20 lakes across the nation. At each of these federal lakes, the managing agency will be empowered to develop creative agreements with private sector recreation providers as well as state land agencies to enhance recreation opportunities. Rather than just building new federal campgrounds with tax dollars, we need to create new partnerships to provide support for building recreation infrastructure that is in line with visitor and tourist desires for recreation. The National Recreation Lakes Demonstration Program will be a pilot project to test these creative agreements and management techniques on a small scale to demonstrate their effectiveness at promoting recreation on federal lakes.

Second, this legislation will establish a Federal Recreation Lakes Leadership Council to coordinate the National Recreation Lakes Demonstration Program and coordinate efforts among federal agencies to promote recreation on federal lakes.

It also will include the Bureau of Reclamation and the U.S. Army Corps of Engineers in the Recreation Fee Demonstration Program. The Fee Demo Program has had wide successes in Arkansas and across the country in allowing individual parks and recreation areas to keep more of their fee revenues on-site to reduce the often overwhelming maintenance backlog.

The legislation will also provide for periodic review of the management of recreation at federal water projects—something long overdue. A great deal has changed since many of the water projects were authorized, yet the initial legislative direction from over 70 years ago continues to be the basis for the management practices now in the year 2000—and that is not right.

Finally, the legislation will provide new opportunities to link the national recreation lakes initiative with other federal recreation assistance efforts, including the Wallop-Breaux program for boating and fishing.

Mr. President, let me give you a little background on how this legislation was developed. In 1996, the U.S. Senate recognized that recreation was becoming more important on federal lakes and conceived the National Recreation Lakes Study Commission to review the current and anticipated demand for recreational opportunities on federally managed lakes and reservoirs. The National Recreation Lakes Study Commission was charged to ''review the current and anticipated demand for recreational opportunities at federally-managed man-made lakes and reservoirs'' and ''to develop alternatives for enhanced recreational use of such facilities.''

The Commission released its long-awaited report confirming the impact of recreation on federally-managed, man-made lakes in June of last year. The Commission also recognized that we are far from realizing their full potential. The study documented that these lakes are powerful tourist magnets, attracting some 900 million visitors annually and generating an estimated $44 billion in economic activity—mostly spent on privately-provided goods and services.

During the Energy and Natural Resources Committee's hearing last year

on the Recreation Lakes Study, the Chairman and I spent some time discussing how children today do not take full advantage of the outdoor opportunities that are available to them. It is so important that we encourage our children to enjoy the great outdoors that often times is less than an hour's drive away.

As the mother of twin 4-year-old boys, I feel we need to encourage our children to be children, not to become adults too quickly, to learn how to enjoy the outdoors. The only way we can do that is by exposing them to it early and often.

In this nation we have nearly 1,800 federally-managed lakes and reservoirs. There are 38 in my home state of Arkansas. With so many federal lakes spread throughout the country, there's no reason why we shouldn't do all we can to promote recreation on our federal lakes. I know that in Arkansas, we don't think twice about getting away to the lake for the weekend to go boating or fishing, or to just get away from the day-to-day grind. And that doesn't even begin to get into the tremendous economic impact from recreation on our federal lakes.

Mr. President, this bill is not an attempt to completely rewrite how federal lakes in this country are managed or to put recreation in front of all other authorized purposes at federal lakes.

The Recreation Lakes Act of 2000 will work with all current laws and regulations to ensure that recreation is merely given a seat at the table when the management decisions are made for our federal lakes.

Mr. President, this is a good bill. In everything from the creation of jobs to the money that tourists like myself spend at the marinas and local stores surrounding the lake—our Federal lakes and reservoirs have an immense recreational value that can and does bring revenues into our local economies. The best way to encourage and expand this aspect is to ensure that recreation is given a higher priority in the management of our federal lakes.

I encourage my colleagues to support this legislation and look forward to the debate on how we can promote recreation on our federal lakes.

By Mr. EDWARDS:

S. 3180. A bill to provide for the disclosure of the collection of information through computer software, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SPYWARE CONTROL AND PRIVACY PROTECTION ACT

Mr. EDWARDS. Mr. President, how would you feel if someone was eavesdropping on your private phone conversations without your knowledge? Well, if it happened to me, I would be very disturbed. And I think that most Americans would be very disturbed to know that something similar may be happening every time they use their computers.

The shocking fact is that many software programs contain something called spyware. Spyware is computer code that surreptitiously uses our Internet connection to transmit information about things like our purchasing patterns and our health and financial status. This information is collected without our knowledge or explicit permission and the spyware programs run undetected while you surf the Internet.

Spyware has been found in Quicken software, which is manufactured by Intuit, Inc. So let me use this as an example. Imagine you purchase Quicken software or download it from the Internet. You install it on your computer to help you with your finances. However, unbeknownst to you, Quicken does more than install financial planning tools on your computer. It also installs a little piece of spyware. The spyware lies dormant until one day when you get on the Internet.

As you start surfing the Internet, the spyware sends back information to Intuit about what you buy and what you are interested in. And all of this happens without your knowledge. You could be on Amazon.com or researching health issues and at the very same time Intuit spyware is using your Internet connection, transmitting some of your most private data to someone you never heard of.

In the months since it was reported that Quicken contained spyware, the folks at Intuit may have decided to remove the spyware from Quicken. However, Quicken is not the only software program that may contain spyware. One computer expert recently found spyware programs in popular children's software that is designed to help them learn, such as Mattel Interactive's Reader Rabbit and Arthur's Thinking Games. And, according to another expert's assessment, spyware is present in four hundred software programs, including commonly used software such as RealNetworks RealDownload, Netscape/AOL Smart Download, and NetZip Download Demon. Spyware in these software programs can transmit information about every file you download from the Internet.

I rise today to introduce the Spyware Control and Privacy Protection Act of 2000. I believe that this legislation will help Americans regain some control over their personal information and will help stop the loss of their privacy and the privacy of their families.

My proposal is common-sense and simple. It incorporates all four fair information practices of notice, choice, access and security—practices that I believe are essential to effective computer privacy legislation.

First, the Act requires that any software that contains spyware must provide consumers with clear and conspicuous notice—at the time the software is installed—that the software contains spyware. The notice must also describe the information that the spyware will collect and indicate to whom it will be transmitted.

Another critical provision of my bill requires that software users must first give their affirmative consent before the spyware is enabled and allowed to start obtaining and sharing users' personal information with third parties. In other words, software users must ''opt-in'' to the collection and transmission of their information. My bill gives software users a choice whether they will allow the spyware to collect and share their information.

The Spyware Control and Privacy Protection Act allows for some common-sense exceptions to the notice and opt-in requirements. Under my proposal, software users would not have to receive notice and give their permission to enable the spyware if the software user's information is gathered in order to provide technical support for use of the software. In addition, users' information may be collected if it is necessary to determine if they are licensed users of the software. And finally, the legislation would not apply to situations where employers are using spyware to monitor Internet usage by their employees. I believe that this last issue is a serious one and deserves to be addressed in separate legislation.

Another important aspect of the Spyware Control and Privacy Protection Act is that it would incorporate the fair information practice known as ''access.'' What this means is that an individual software user would have the ability to find out what information has been collected about them, and would be given a reasonable chance to correct any errors.

And finally, the fourth fair information practice guaranteed by my bill is ''security.'' Anyone that uses spyware to collect information about software users must establish procedures to keep that information confidential and safe from hackers.

Spyware is a modern day Trojan horse. You install software on your computer thinking it's designed to help you, and it turns out that something else is hidden inside that may be quite harmful.

I have been closely following the privacy debate for some time now. And I am struck by how often I discover new ways in which our privacy is being eroded. Spyware is among the more startling examples of how this erosion is occurring.

Most people would agree that modern technology has been extraordinarily beneficial. It has enabled us to obtain information more quickly and easily than ever before. And companies have streamlined their processes for providing goods and services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records, and buying habits. In

turn, our ability to keep our personal information private is being eroded.

Even sophisticated computer software users are unlikely to be aware that information is being collected about their Internet surfing habits and is likely being fed into a growing personal profile maintained at a data warehouse. They don't know that companies can and do extract the information from the warehouse to create a so-called cyber-profile of what they are likely to buy, what the status of their health may be, what their family is like, and what their financial situation may be.

I believe that in the absence of government regulation, it is difficult, if not impossible for people to control the use of their own personal information. Consumers are not properly informed, and businesses are under no legal obligation to protect consumers' privacy.

I believe that the Spyware Control and Privacy Protection Act is a reasonable way to help Americans regain some of their privacy. My legislation does not prevent software manufacturers from using their software to collect a consumer's online information. However, it gives back some control to the consumer by allowing him or her to decide whether their information may be gathered.

My bill protects consumer privacy, while enabling software companies and marketing firms to continue obtaining consumers' information if the consumer so chooses. Confidence in these companies will be enhanced if they are able to assure their customers that they will not collect their personal information without their permission.

Privacy protections should not stop with computer software. I am also proud to be a cosponsor of the Consumer Privacy Protection Act, a much-needed measure that would prevent Internet service providers, individual web sites, network advertisers, and other third parties from gathering information about our online surfing habits without our permission.

And last fall, I introduced the Telephone Call Privacy Act in order to prevent phone companies from disclosing consumers' private phone records without their permission. Although there are only a few weeks left in this congressional session, it is my hope that Congress will pass meaningful privacy legislation soon.

Increasingly, technology is impacting our lives and the lives of our families. I believe that while it is important to encourage technological growth, we must also balance new developments with our fundamental right to privacy. Otherwise, we may wake up one day and realize that our privacy has been so thoroughly eroded that it is impossible to recover.

I urge my colleagues to support the Spyware Control and Privacy Protection Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3180

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Spyware Control and Privacy Protection Act of 2000''.

SEC. 2. COLLECTION OF INFORMATION BY COMPUTER SOFTWARE.

(a) NOTICE AND CHOICE REQUIRED.—

(1) IN GENERAL.—Any computer software made available to the public, whether by sale or without charge, that includes a capability to collect information about the user of such computer software, the hardware on which such computer software is used, or the manner in which such computer software is used, and to disclose to such information to any person other than the user of such computer software, shall include—

(A) a clear and conspicuous written notice, on the first electronic page of the instructions for the installation of such computer software, that such computer software includes such capability;

(B) a description of the information subject to collection and the name and address of each person to whom such computer software will transmit or otherwise communicate such information; and

(C) a clear and conspicuous written electronic notice, in a manner reasonably calculated to provide the user of such computer software with easily understood instructions on how to disable such capability without affecting the performance or operation of such computer software for the purposes for which such computer software was intended.

(2) ENABLEMENT OF CAPABILITY.—A capability of computer software described in paragraph (1) may not be enabled unless the user of such computer software provides affirmative consent, in advance, to the enablement of the capability.

(3) EXCEPTION.—The requirements in paragraphs (1) and (2) shall not apply to any capability of computer software that is reasonably needed to—

(A) determine whether or not the user is a licensed or authorized user of such computer software;

(B) provide, upon request of the user, technical support of the use of such computer software by the user; or

(C) enable an employer to monitor computer usage by its employees while such employees are within the scope of employment as authorized by applicable Federal, State, or local law.

(4) USE OF INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any information collected through a capability described in paragraph (1) for a purpose referred to in paragraph (3) may be utilized only for the purpose for which such information is collected under paragraph (3).

(5) ACCESS TO INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any person collecting information about a user of computer software through a capability described in paragraph (1) shall—

(A) upon request of the user, provide reasonable access by user to information so collected;

(B) provide a reasonable opportunity for the user to correct, delete, or supplement such information; and

(C) make the correction or supplementary information a part of the information about the user for purposes of any future use of such information under this subsection.

(6) SECURITY OF INFORMATION COLLECTED THROUGH EXCEPTED CAPABILITY.—Any person collecting information through a capability described in paragraph (1) shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of such information.

(b) PREINSTALLATION.—In the case of computer software described in subsection (a)(1) that is installed on a computer by someone other than the user of such computer software, whether through preinstallation by the provider of such computer or computer software, by installation by someone before delivery of such computer to the user, or otherwise, the notice and instructions under that subsection shall be provided in electronic form to the user before the first use of such computer software by the user.

(c) VIOLATIONS.—A violation of subsection (a) or (b) shall be treated as an unfair or deceptive act or practice proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(d) DISCLOSURE TO LAW ENFORCEMENT OR UNDER COURT ORDER.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, a computer software provider that collects information about users of the computer software may disclose information about a user of the computer software—

(A) to a law enforcement agency in response to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (3); or

(B) in response to a court order in a civil proceeding granted upon a showing of compelling need for the information that cannot be accommodated by any other means if—

(i) the user to whom the information relates is given reasonable notice by the person seeking the information of the court proceeding at which the order is requested; and

(ii) the user is afforded a reasonable opportunity to appear and contest the issuance of the requested order or to narrow its scope.

(2) SAFEGUARDS AGAINST FURTHER DISCLOSURE.—A court that issues an order described in paragraph (1) shall impose appropriate safeguards on the use of the information to protect against its unauthorized disclosure.

(3) COURT ORDERS.—A court order authorizing disclosure under paragraph (1)(A) may issue only with prior notice to the user and only if the law enforcement agency shows that there is probable cause to believe that the user has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this paragraph, on a motion made promptly by the computer software provider may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the provider.

(e) PRIVATE RIGHT OF ACTION.—

(1) ACTIONS AUTHORIZED.—A person may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate Federal court, if such laws or rules prohibit such actions, either or both of the actions as follows:

(A) An action based on a violation of subsection (a) or (b) to enjoin such violation.

(B) An action to recover actual monetary loss for a violation of subsection (a) or (b) in an amount equal to the greater of—

(i) the amount of such actual monetary loss; or

(ii) $2,500 for such violation, not to exceed a total amount of $500,000.

(2) ADDITIONAL REMEDY.—If the court in an action under paragraph (1) finds that the defendant willfully, knowingly, or repeatedly violated subsection (a) or (b), the court may, in its discretion, increase the amount of the award under paragraph (1)(B) to an amount not greater than three times the amount available under paragraph (1)(B)(ii).

(3) LITIGATION COSTS AND ATTORNEY FEES.—In any action under paragraph (1), the court may, in its discretion, require an undertaking for the payment of the costs of such action and assess reasonable costs, including reasonable attorney fees, against the defendant.

(4) VENUE.—In addition to any contractual provision otherwise, venue for an action under paragraph (1) shall lie where the computer software concerned was installed or used or where the person alleged to have committed the violation concerned is found.

(5) PROTECTION OF TRADE SECRETS.—At the request of any party to an action under paragraph (1), or any other participant in such action, the court may, in its discretion, issue a protective order and conduct proceedings in such action so as to protect the secrecy and security of the computer, computer network, computer data, computer program, and computer software involved in order to—

(A) prevent possible recurrence of the same or a similar act by another person; or

(B) protect any trade secrets of such party or participant.

(f) DEFINITIONS.—In this section:

(1) COLLECT.—The term ''collect'' means the gathering of information about a computer or a user of computer software by any means, whether direct or indirect and whether active or passive.

(2) COMPUTER.—The term ''computer'' means a programmable electronic device that can store, retrieve, and process data.

(3) COMPUTER SOFTWARE.—(A) Except as provided in subparagraph (B), the term ''computer software'' means any program designed to cause a computer to perform a desired function or functions.

(B) The term does not include a text file, or cookie, placed on a person's computer system by an Internet service provider, interactive computer service, or commercial Internet website to return information to the Internet service provider, interactive computer service, commercial Internet website, or third party if the person subsequently uses the Internet service provider or interactive computer service, or accesses the commercial Internet website.

(4) INFORMATION.—The term ''information'' means information that personally identifies a user of computer software, including the following:

(A) A first and last name, whether given at birth or adoption, assumed, or legally changed.

(B) A home or other physical address including street name and name of a city or town.

(C) An electronic mail address.

(D) A telephone number.

(E) A social security number.

(F) A credit card number, any access code associated with the credit card, or both.

(G) A birth date, birth certificate number, or place of birth.

(H) Any other unique information identifying an individual that a computer software provider, Internet service provider, interactive computer service, or operator of a commercial Internet website collects and combines with information described in subparagraphs (A) through (G) of this paragraph.

(5) PERSON.—The term ''person'' has the meaning given that term in section 3(32) of the Communications Act of 1934 (47 U.S.C. 153(32)).

(6) USER.—The term ''user'' means an individual who acquires, through purchase or otherwise, computer software for purposes other than resale.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DEWINE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 61, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 821

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 821, a bill to provide for the collection of data on traffic stops.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1110

At the request of Mr. EDWARDS, his name was added as a cosponsor of S. 1110, a bill to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

S. 1197

At the request of Mr. ROTH, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from California (Mrs. BOXER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Mr. ABRAHAM), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. VOINOVICH), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. THOMPSON), the Senator from Nebraska (Mr. KERREY), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 2242

At the request of Mr. THOMAS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2242, a bill to amend the Federal Activities Inventory Reform Act of 1998 to improve the process for identifying the functions of the Federal Government that are not inherently governmental functions, for determining the appropriate organizations for the performance of such functions on the basis of competition, and for other purposes.

S. 2358

At the request of Mr. INHOFE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2609

At the request of Mr. CRAIG, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2609, a bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the names of the Senator from New York (Mr. MOYNIHAN), the Senator from Delaware (Mr. ROTH), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2967

At the request of Mr. ROBB, his name was added as a cosponsor of S. 2967, a bill to amend the Internal Revenue Code of 1986 to facilitate competition in the electric power industry.

S. 3045

At the request of Mr. SESSIONS, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 3045, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 3089

At the request of Mr. HAGEL, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3089, a bill to authorize the design and construction of a temporary education center at the Vietnam Veterans Memorial.

S. 3091

At the request of Mr. GRASSLEY, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 3091, a bill to implement

the recommendations of the General Accounting Office on improving the administration of the Packers and Stockyards Act, 1921 by the Department of Agriculture.

S. 3106

At the request of Mr. JEFFORDS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3106, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound under the medicare home health benefit.

S. 3116

At the request of Mr. BREAUX, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 3116, a bill to amend the Harmonized Tariff Schedule of the United States to prevent circumvention of the sugar tariff-rate quotas.

S. 3127

At the request of Mr. SANTORUM, the names of the Senator from Missouri (Mr. BOND) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 3127, a bill to protect infants who are born alive.

S. 3137

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 3137, a bill to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

S. 3147

At the request of Mr. ROBB, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 3147, a bill to authorize the establishment, on land of the Department of the Interior in the District of Columbia or its environs, of a memorial and gardens in honor and commemoration of Frederick Douglass.

S. 3152

At the request of Mr. ROTH, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 3152, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for distressed areas, and for other purposes.

S. 3173

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3173, a bill to improve the implementation of the environmental streamlining provisions of the Transportation Equity Act for the 21st Century.

S. RES. 364

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. Res. 364, a resolution commending Sydney, New South Wales, Australia for its successful conduct of the 2000 Summer Olympic Games and congratulating the United States Olympic Team for its outstanding accomplishments at those Olympic Games.

SENATE CONCURRENT RESOLUTION 145—EXPRESSING THE SENSE OF CONGRESS ON THE PROPRIETY AND NEED FOR EXPEDITIOUS CONSTRUCTION OF THE NATIONAL WORLD WAR II MEMORIAL AT THE RAINBOW POOL ON THE NATIONAL MALL IN THE NATION'S CAPITAL

Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mr. STEVENS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 145

Whereas World War II is the defining event of the twentieth century for the United States and its wartime allies;

Whereas in World War II, more than 16,000,000 American men and women served in uniform in the Armed Forces, more than 400,000 of them gave their lives, and more than 670,000 of them were wounded;

Whereas many millions more on the home front in the United States organized and sacrificed to give unwavering support to those in uniform;

Whereas fewer than 6,000,000 World War II veterans are surviving at the end of the twentieth century, and the Nation mourns the passing of more than 1,200 veterans each day;

Whereas Congress, in Public Law 103–422 (108 Stat. 4356) enacted in 1994, approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool;

Whereas since 1995, the National World War II Memorial site and design have been the subject of 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, the endorsement of many Members of Congress, and, most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission (including the approvals of those Commissions for the final architectural design);

Whereas on Veterans Day 1995, the President dedicated the approved site at the Rainbow Pool on the National Mall as the site for the National World War II Memorial; and

Whereas fundraising for the National World War II Memorial has been enormously successful, garnering enthusiastic support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal, and professional organizations, state legislatures, students in 1,100 schools, and more than 450 veterans groups representing 11,000,000 veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is appropriate for the United States to memorialize in the Nation's Capital the triumph of democracy over tyranny in World War II, the most important event of the twentieth century;

(2) the will of the American people to memorialize that triumph and all who labored to achieve it, and the decisions made on that memorialization by the appointed bodies charged by law with protecting the public's interests in the design, location, and construction of memorials on the National Mall in the Nation's Capital, should be fulfilled by the construction of the National World War II Memorial, as designed, at the approved and dedicated Rainbow Pool site on the National Mall; and

(3) it is imperative that expeditious action be taken to commence and complete the construction of the National World War II Memorial so that the completed memorial will be dedicated while Americans of the World War II generation are alive to receive the national tribute embodied in that memorial, which they earned with their sacrifice and achievement during the largest and most devastating war the world has known.

SENATE CONCURRENT RESOLUTION 146—A CONCURRENT RESOLUTION CONDEMNING THE ASSASSINATION OF FATHER JOHN KAISER AND OTHERS IN KENYA, AND CALLING FOR A THOROUGH INVESTIGATION TO BE CONDUCTED IN THOSE CASES, A REPORT ON THE PROGRESS MADE IN SUCH AN INVESTIGATION TO BE SUBMITTED TO CONGRESS BY DECEMBER 15, 2000, AND A FINAL REPORT ON SUCH AN INVESTIGATION TO BE MADE PUBLIC, AND FOR OTHER PURPOSES

Mr. WELLSTONE (for himself and Mr. GRAMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 146

Whereas Father John Kaiser, a Catholic of the Order of the Mill Hill Missionaries and a native of Minnesota, who for 36 years served as a missionary in the Kisii and Ngong Dioceses in the Republic of Kenya and advocated the rights of all Kenyans, was shot dead on Wednesday, August 23, 2000;

Whereas Father Kaiser was a frequently outspoken advocate on issues of human rights and against the injustice of government corruption in Kenya;

Whereas fellow priests report that Father Kaiser spoke to them of his fear for his life on the night before his assassination;

Whereas the murders of Father Stallone, Father Graife, and Father Luigi Andeni, all of Marsabit Diocese in Kenya, the circumstances of the murder of Brother Larry Timors of Nakaru Diocese in Kenya, the murder of Father Martin Boyle of Eldoret Diocese, and the murders of other local human rights advocates in Kenya have not yet been fully explained, nor have the perpetrators of these murders been brought to justice;

Whereas the report of a Kenyan governmental commission, known as the Akiwumi Commission, on the government's investigation into tribal violence between 1992 and 1997 in Kenya's Great Rift Valley has not yet been released in spite of several requests by numerous church leaders and human rights organizations to have the Commission's findings released to the public;

Whereas, after Father Kaiser's assassination, documents were found on his body that he had intended to present to the Akiwumi Commission;

Whereas the nongovernmental Kenyan Human Rights Commission has expressed fear that the progress achieved in Kenya during the last few years in the struggle for democracy, the rule of law, respect for human rights, and meeting the basic needs of all

Kenyans is jeopardized by the current Kenyan government; and

Whereas the 1999 Country Report on Human Rights released by the Bureau of Democracy, Human Rights, and Labor of the Department of State reports that the Kenyan Government's ''overall human rights record was generally poor, and serious problems remained in many areas; while there were some signs of improvement in a few areas, the situation worsened in others.'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the violent deaths of Father John Kaiser and others who have worked to promote human rights and justice in the Republic of Kenya and expresses its outrage at those deaths;

(2) calls for a thorough investigation of those deaths that includes other persons in addition to the Kenyan authorities;

(3) calls on the Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor, to prepare and submit to Congress, by December 15, 2000, a report on the progress made on investigating these killings, including, particularly, a discussion of the actions taken by the Kenyan government to conduct an investigation as described in paragraph (2);

(4) calls on the President to support investigation of these killings through all diplomatic means; and

(5) calls for the final report of such an investigation to be made public.

Mr. WELLSTONE. Mr. President, colleagues, I rise to today to offer a resolution calling for thorough investigation into the murder of Father John Kaiser, a Catholic missionary from Minnesota who was brutally murdered in Kenya last month, and requiring the State Department to report to Congress on the progress of the investigation by December 15th, and to make public the final findings of the investigation.

For those of you who know little of Father John Kaiser, let me just say this: Father Kaiser was an amazing man. One of those rare individuals who found his calling early in life, he remained dedicated to that calling throughout his life. A catholic of the Order of the Mill Hill Missionaries, Father Kaiser served as a missionary in Kenya for 36 years. Born in Minnesota in 1932 to a German father and Irish mother, from 1954–1957, prior to being ordained, he had served his own country in the U.S. Army training paratroopers in the 82nd Airborne.

Those who knew Father Kaiser recall him as humble and soft-spoken with totally selfless zeal for the service of others. In Kenya Father Kaiser was an outspoken advocate on the issue of human rights and injustice, and advocated those rights on behalf of all Kenyans. In March of this year Father Kaiser was awarded the ''Award for Distinguished Service in the Support of Human Rights'' by the Law Society of Kenya. This is the highest award given by the Law Society and it is usually awarded to three people annually—this year Father Kaiser was the sole recipient. I have a copy of the speech given by the Law Society in honor of Father Kaiser and I will ask that this speech be inserted in the RECORD. I'd also like to note that earlier this week in St. Paul, Minnesota Father Kaiser was posthumously awarded the twin cities International Citizen Award.

Father Kaiser spoke frequently against the injustice of government corruption in Kenya and some believe this is what led to his death. In 1992 Father Kaiser was confronted for his political activism against corruption. At an inquiry into why tribal clashes killed hundred in the run-up to Kenya's first multiparty election in 1992, Kaiser had testified that two Cabinet ministers had encouraged the strife in a ploy to drive those in opposition off their land. After accusing high-level government officials of stealing land from the poor, he was arrested last year and threatened with deportation. His most recent confrontation with a powerful Kenyan involved Minister of State Julius Sunkuli, considered by many to be the current Kenya President's personal preference as a successor. Working with the Kenya chapter of the International Federation of Women Lawyers, Father Kaiser had been helping a female parishioner who claimed that Mr. Sunkuli raped her three years ago when she was 14 and fathered her child. Father Kaiser was killed one week before the court case was due to begin. A few days later, the young women dropped the charge.

Father Kaiser's death is a manifestation of the corruption and injustice rampant in Kenya today. In its annual survey issued two weeks ago, the Transparency International watchdog organization named Kenya the ninth-most corrupt country in the world, on par with Russia. In Kenya, church leaders bemoan the fact that they are told to stay out of politics. They argue that what the government calls politics—promoting human rights, social and economic justice—is part and parcel of their mission. Mr. President, colleagues, I believe the position of the leadership in Kenya is not unusual; religious persecution is up around the world because religious mandates such as promoting human rights, social and economic justice, are inherently political. We must speak up about this case not only to find the truth about Father Kaiser's death and to bring some relief to his family, but also to let Kenya and the world know that the United States does not condone Kenya's behavior.

An investigation is underway for the killer of Father Kaiser. The Kenyan Attorney General requested the help of the FBI in the investigation and today three FBI agents are in Kenya. The U.S. Ambassador has also met with the Kenyan Foreign Minister and the Kenyan Attorney General. This is a good start. I am hopeful that the State Department will continue to keep a close eye on this case. We must express our outrage at the violent death of Father John Kaiser, as well as the brutal murder of other activists fighting against injustice in Kenya. And we must demand a thorough investigation into their deaths. Prominent human rights groups and organizations like Transparency International, report that in Kenya corruption reaches to the highest level of government. It is for that reason that any investigation must include persons other than the Kenyan authorities and its final report must be made public. That is what I call for in the Resolution I am offering today with my colleague from Minnesota. I urge you to join us in your support, not only for the family of Father Kaiser and the others who lost their lives fighting injustice in Kenya but for the countless victims who have given their lives fighting injustice worldwide.

Mr. President, I ask unanimous consent that the Law Society speech honoring Father Kaiser be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAW SOCIETY OF KENYA—STATEMENT IN SUPPORT OF THE AWARD FOR DISTINGUISHED SERVICE IN THE PROMOTION OF HUMAN RIGHTS TO FATHER JOHN ANTHONY KAISER FOR THE YEAR 2000, MARCH 11, 2000

This year's Law Society of Kenya Awards ceremony is a rare departure from its young tradition in that we have only one recipient. But that man is rare, indeed, one of a kind. His name is Father John Anthony Kaiser. And it is a name we have all heard.

In conferring upon him the Society's award for Distinguished Service in the Promotion of human rights for the year 2000, we of the Society consider ourselves specially honored to have known and dealt with this man of God who, like the Biblical Elijah, is a voice of stern rebuke to all those that trouble the people and think it a little matter to deny sovereign citizens their God-given right to live, move and have. To them, he is a poisonous troublemaker, an unwelcome meddler and a pain in the flesh. But to us and to all those that love life and liberty, he is a stalwart defender of the defenseless and a man eminently deserving of honor.

In his life Father Kaiser has lived for and upheld two ideals namely the universality of human rights and the principle that Kenya citizenship appeals and protects all Kenyan in every part of the Republic of Kenya. In upholding these noble truths in the 1990s in Kenya Father Kaiser repeatedly found himself in trouble. Not that Father Kaiser is a man who goes out of his way to court trouble. To the contrary, he is a retiring, humble and soft-spoken ''Mzee.'' He is a simple man without pretensions. Seeing him on a normal day one could easily dismiss him for just another tired old man. Though a tall one.

Those who know him will say he has a totally selfless zeal for the service of others. But they will also tell you that he is a man of singular candour. He is honest and forthright in speech almost to a fault. He would speak that uncomfortable truth with a startling naivete that at once sets you thinking and charms you to a new respect for the man.

Born in Minnesota, United States of America in 1932 to a German father and Irish mother, the future Father Kaiser attended a one-roomed school for eight years before he went to a Benedictine secondary school.

After a two-year stint at a junior college where he studied Greek and Latin, he joined the U.S. Army for some three years. His true calling was elsewhere and he quit to join the St. Louis College where he studied theology and philosophy. This was to be followed by some four years across the Atlantic, studying to become a priest at St. Joseph's Mill

Hill College. Father Kaiser was in 1964 posted to Kenya and specifically to the Kisii Catholic Diocese to which he dedicated 30 years of exemplary and emulable service mostly in the humble hills and valleys of Gusiiland, away from any sort of public limelight. Everywhere he went he exhibited the best missionary spirit of uplifting enlightening and supporting the poor. A strong man physically, he worked with joyful energy setting up churches wherever he went sometimes single-handedly. So thoroughly did he immerse himself in the daily living of the locals that he speaks Ekegussi with a fluency that would put most native speakers of the language to shame. He became in a real sense a much loved if not revered 'Omogaka' to the Abagusii among whom he lived and served.

Come 1993, Father Kaiser was sent to the Ngong Catholic Diocese his first appointment being to the fateful Maela Refugee Camp for the internally victims of the infamous Tribal Clashes. It was while at Maela that he witnessed at even closer hand some of the most dastardly and heinous acts of man's inhumanity to man. Freeborn Kenyans who had been violently and murderously driven out of homes they had lived in all their lives were reduced to the most abject and dehumanizing poverty. He saw disease, despair, hunger and the elements ravish men and women; the young and the aged alike whose only crime was the biological and historical accident of having been born into the 'wrong' tribes. Father Kaiser busied himself in trying to alleviate in what small ways he could the anguish of those unfortunate.

It was while *in situ* at Maela, and while lawfully engaged in Christian service quite in consonance with the oft repeated credo of being mindful of the welfare of fellow Kenyans that the fell foul of the ubiquitous and often tyrannical Provincial Administration.

The existence of the Maela Refugee Camp had become an acute embarrassment to the government which was not so keen on having the shocking truth of ethnic cleansing exposed to the watching world. The camp was an eyesore abominable and damning to the Government. Some evil genius in the administration hatched the plan to erase evidence of the very existence of the Camp. Thus, on the 27th of December 1994, those hapless Kenyans, once betrayed, raped, and dispossessed, were betrayed a second time. They were descended upon in a whirlwind government operation that broke up the camp and bundled its inhabitants into trucks that would dump them in stadiums, abandoned playing fields and roadsides in the Central Province. The same bright mind in government had now invented a new term with which these unfortunate victims were baptized: Land Speculators.

The Naivasha District Officer who spearheaded the Maela mop-up was livid that among those at the camp and who witnessed the wanton dehumanization of the refugees was Father Kaiser. For merely being there and not approving of what the officers of government were doing, Father Kaiser was violently assaulted by those agents of our government, handcuffed, as a common criminal would be removed from the scene. He was held under house arrest with armed men in guard. State-sponsored terrorism is no respecter of persons even when they are harmless parish priests. Shortly after Maela, Father Kiser was posted to Lologorian Parish in Trans Mara District. And trouble followed him there. It is an abiding if tragic fact of this country's sociopolitical landscape that no place is safe or tranquil for any honest man of pure convictions. Wherever such people are, the tyrants, sycophants, rapist and land grabbers that dot Kenya's public life will feel uneasy and attempt to make life unbearable for them.

True to his prophetic calling as a voice for the voiceless and defender of the defenseless among his flock, Father Kaiser found himself on a collision cause with those who had oppressed, displaced, dispossessed and marginalized whole clans of the Maasai in an orgy of systematic and avaricious land-grabbing. His consistent and conscientious stance against this and other evils and ills in Trans Mara was fast gaining a formidable horde of enemies at all levels of the power structure. No less than a powerful cabinet minister saw the hand of good Father Kaiser in allegations of rape or defilement leveled by young girls against the said minister. There is of course no question that it is in the nature of Father Kaiser to insist and demand that any man, no matter his rank, who proves to be a pestilential monster against nubile girls must face justice. It is a very Christian demand.

Father Kaiser's gift and burden has been his unshakable commitment to truth and justice. It is therefore not surprising that when the Commission appointed to investigate the causes of the ethnic cleansing under the Chairmanship of Court of Appeal Judge Akiwuni got down to business, he appeared to testify as to what he saw, experienced and heard.

In his painfully forthright way, the priest told the Commission the horrible things he had witnessed. He recounted tales heart rendering in their pain and outrageous that they should be true. Unquestionably, he was a witness of truth. His testimony was one of a man with a deep and abiding need to see the demons of our national shame exorcised, the ghosts of our innocent dead compatriots finally laid to rest and the tears of their beloved wiped dry at last.

Inevitably, he categorically and bluntly told the Commission that on the basis of the facts in his possession, responsibility for the horror that was the clashes lay at the highest echelons of state. Mincing no words, he fingered the very heart of State power as the first culprit in this crime against Kenya holding the Government and its trusted lieutenants responsible. Father Kaiser mentioned dates, names, places and times.

It is a monumental irony that detailed and useful as Father Kaiser's testimony was, the Commission thought it violated some in-house rules against mentioning the Head of State and promptly expunged the same from its record.

Whether offensive to the rules of the Commission or not, and shorn of all the trappings, technicalities and complexities of procedure, Father Kaiser's experiences and observations in his own words are admissible in the Tribunal of Truth and that of public opinion and, we trust, will some day find judicial admission when those who threatened to dismember Kenya are finally brought to book. His courage, boldness and candor in saying it as it really is cannot have been in vain.

It is in the aforegoing context that we view the attempt by the Kenya government to deport our hero in late 1999. A day after his testimony at the Commission, the agents of terror that he had named and shamed made a public threat that Father Kaiser would be deported from Kenya. Could what followed be related to these threats? Still smarting from the priest's insistent voice of conscience, someone suddenly remembered that this cleric who may pass for an Ompgusii, a Maasai, a Kalenjin or a Kikuyu and who had lived in Kenya for as long as we have been a republic, was not a Kenyan and, by reason of his inadvertent failure to renew his work permit was deserving of immediate deportation. Evidently our laws on citizenship are in urgent need of revision. For, if Father Kaiser does not qualify for citizenship, who does?

The move by the Government was amateurish, its sinister and vindictive motivation too transparent to miss. There was an immediate chorus of condemnation of the government's persecution of the priest from many quarters including Catholic Bishops, the Kenya Human Rights Commission and the American Embassy. We are happy to recall the Law Society of Kenya added its voice in demanding that his permit be renewed. We are happier to note with a certain satisfaction that, left with no choice, Government relented and, as you can see, Father Kaiser is still here with us.

The life and times of Father John Anthony Kaiser stand out as a study in courage, determination and sacrifice on behalf of the weak, oppressed and downtrodden. He has had the loftiness of ideals to speak out against social ills and defend the native rights and dignity of mankind in the face of callus and blood-chilling abuse. He has paid the price of his convictions in being beaten, arrested, insulted and hounded but has remained true to his conscience. He has stood up to tyrants big and petty and won many battles for which the humble men and women of Kenya for whom he has striven are the happier. And in all this he has retained his cool and has urged victims of violence not to retaliate in kind. Indeed, he is on record as still loving and still praying for his persecutors.

He does not consider himself a civil rights worker. He would not call himself a human rights activist let alone its champion. He would not admit to all his achievements, which have emboldened and inspired many to love truth, cherish liberty and fight for human rights. Father Kaiser says he is just a simple parish priest. We agree. And we honor him.

Mr. GRAMS. Mr. President, I rise today to introduce a resolution along with Senator WELLSTONE which addresses a very tragic event in Kenya involving a native son of Minnesota, Father John Kaiser.

Sixty-seven years ago, Father Kaiser was born in Perham, Minnesota and grew up in Maine Township near Fergus Falls. He attended St. John's Prep in Collegeville, along with former Senator Dave Durenberger, and St. John's University. He was ordained a Catholic priest in 1964 after attending St. Joseph's Seminary in England.

His thirty-six years in the East African country of Kenya was spent building schools and helping the people. He was a strong supporter of human rights and justice for the poor and oppressed. He was their spokesman and a highly visible reminder to the Kenyan government of the injustices he sought to remedy. His courage in the face of death emboldened and strengthened the resolve of others in the human rights community to stand for principle—for law and order, decency and respect.

The cattle herders and farmers in the Great Rift Valley, the helpless young girls who may have suffered abuse at the hands of government officials and the dedicated members of Father Kaiser's Mill Hill Mission have lost a champion—but not the principles on which he stood—justice and equity and human rights for all.

I have addressed this issue at the highest level with Secretary of State Madeleine Albright during a recent Foreign Affairs Committee meeting. The resolution of this United States citizen's death is important to Kenya's credibility in the world community. We intend to see his assassins quickly brought to trial, and our Resolution reflects the desire of Congress to step-up the investigation into his death. I join Bishop John Njue, Chairman of the Kenyan Catholic Episcopal Conference in saying ''Do not be afraid''—we are with you.

SENATE RESOLUTION 368—RECOGNIZING THE IMPORTANCE OF RELOCATING AND RENOVATING THE HAMILTON GRANGE, NEW YORK

Mr. MOYNIHAN (for himself, Mr. BYRD, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources.

S. RES. 368

Whereas Alexander Hamilton, assisted by James Madison and George Washington, was the principal drafter of the Constitution of the United States;

Whereas Hamilton was General Washington's aide-de-camp during the Revolutionary War, and, given command by Washington of the New York and Connecticut light infantry battalion, led the successful assault on British redoubt number 10 at Yorktown;

Whereas after serving as Secretary of the Treasury, Hamilton founded the Bank of New York and the New York Post;

Whereas the only home Hamilton ever owned, commonly known as ''the Grange'', is a fine example of Federal period architecture designed by New York architect John McComb, Jr., and was built in upper Manhattan in 1803;

Whereas the New York State Assembly enacted a law in 1908 authorizing New York City to acquire the Grange and move it to nearby St. Nicholas Park, part of the original Hamilton estate, but no action was taken;

Whereas in 1962, the National Park Service took over management of the Grange, by then wedged on Convent Avenue within inches between an apartment house on the north side and a church on the south side;

Whereas the 1962 designation of the Grange as a national memorial was contingent on the acquisition by the National Park Service of a site to which the building could be relocated;

Whereas the New York State legislature enacted a law in 1998 that granted approval for New York City to transfer land in St. Nicholas Park to the National Park Service, causing renovations to the Grange to be postponed; and

Whereas no obelisk, monument, or classical temple along the national mall has been constructed to honor the man who more than any other designed the Government of the United States, Hamilton should at least be remembered by restoring his home in a sylvan setting: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes the immense contribution Alexander Hamilton made to the United States as a principal drafter of the Constitution; and

(2) the National Park Service should expeditiously—

(A) proceed to relocate the Grange to St. Nicholas Park; and

(B) restore the Grange to a state befitting the memory of Alexander Hamilton.

Mr. MOYNIHAN. Mr. President, I rise to introduce a Sense of the Senate Resolution that calls on the National Park Service to relocate the Hamilton Grange, which is the home of Alexander Hamilton. As Washington's aide-de-camp during the Revolution, delegate to the Constitutional Convention, Secretary of the Treasury, and founder of the Bank of New York and the New York Post, Hamilton was instrumental in determining the direction of the nation in its early years. The only home he ever owned is in New York City. It sits on a block in Harlem, bounded on the north by an apartment house and on the south by a church. The apartment house is inches away, the church a few feet.

For some forty years the National Park Service has been contemplating the relocation of the Grange to a better site. The plan now is to go around the corner to St. Nicholas Park. The park was part of the original Hamilton estate and would be a far more appropriate location for the house. The necessary civic approvals are nearly set. It will soon be in the hands of the Park Service to get this done. The resolution simply states that the agency should do so expeditiously, and should then proceed with the restoration projects that have been on hold. Alexander Hamilton and those who come to see his home deserve as much. I ask my colleagues for their support.

AMENDMENTS SUBMITTED

COMPREHENSIVE RETIREMENT SECURITY AND PENSION REFORM ACT OF 2000

JEFFORDS (AND KENNEDY) AMENDMENT NO. 4301

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill (H.R. 1102) to provide for pension reform, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE IX—ERISA PROVISIONS

SEC. 901. MISSING PARTICIPANTS.

(a) IN GENERAL.—Section 4050 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1350) is amended by redesignating subsection (c) as subsection (e) and by inserting after subsection (b) the following new subsection:

''(c) MULTIEMPLOYER PLANS.—The corporation shall prescribe rules similar to the rules in subsection (a) for multiemployer plans covered by this title that terminate under section 4041A.

''(d) PLANS NOT OTHERWISE SUBJECT TO TITLE.—

''(1) TRANSFER TO CORPORATION.—The plan administrator of a plan described in paragraph (4) may elect to transfer a missing participant's benefits to the corporation upon termination of the plan.

''(2) INFORMATION TO THE CORPORATION.—To the extent provided in regulations, the plan administrator of a plan described in paragraph (4) shall, upon termination of the plan, provide the corporation information with respect to benefits of a missing participant if the plan transfers such benefits—

''(A) to the corporation, or

''(B) to an entity other than the corporation or a plan described in paragraph (4)(B)(ii).

''(3) PAYMENT BY THE CORPORATION.—If benefits of a missing participant were transferred to the corporation under paragraph (1), the corporation shall, upon location of the participant or beneficiary, pay to the participant or beneficiary the amount transferred (or the appropriate survivor benefit) either—

''(A) in a single sum (plus interest), or

''(B) in such other form as is specified in regulations of the corporation.

''(4) PLANS DESCRIBED.—A plan is described in this paragraph if—

''(A) the plan is a pension plan (within the meaning of section 3(2))—

''(i) to which the provisions of this section do not apply (without regard to this subsection), and

''(ii) which is not a plan described in paragraphs (2) through (11) of section 4021(b), and

''(B) at the time the assets are to be distributed upon termination, the plan—

''(i) has missing participants, and

''(ii) has not provided for the transfer of assets to pay the benefits of all missing participants to another pension plan (within the meaning of section 3(2)).

''(5) CERTAIN PROVISIONS NOT TO APPLY.—Subsections (a)(1) and (a)(3) shall not apply to a plan described in paragraph (4).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after final regulations implementing subsections (c) and (d) of section 4050 of the Employee Retirement Income Security Act of 1974 (as added by subsection (a)), respectively, are prescribed.

SEC. 902. REDUCED PBGC PREMIUM FOR NEW PLANS OF SMALL EMPLOYERS.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended—

(1) in clause (i), by inserting ''other than a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined),'' after ''single-employer plan,'',

(2) in clause (iii), by striking the period at the end and inserting '', and'', and

(3) by adding at the end the following new clause:

''(iv) in the case of a new single-employer plan (as defined in subparagraph (F)) maintained by a small employer (as so defined) for the plan year, $5 for each individual who is a participant in such plan during the plan year.''.

(b) DEFINITION OF NEW SINGLE-EMPLOYER PLAN.—Section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following new subparagraph:

''(F)(i) For purposes of this paragraph, a single-employer plan maintained by a contributing sponsor shall be treated as a new single-employer plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of such plan, the sponsor or any member of such sponsor's controlled group (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new single-employer plan.

''(ii)(I) For purposes of this paragraph, the term 'small employer' means an employer which on the first day of any plan year has,

in aggregation with all members of the controlled group of such employer, 100 or fewer employees.

''(II) In the case of a plan maintained by two or more contributing sponsors that are not part of the same controlled group, the employees of all contributing sponsors and controlled groups of such sponsors shall be aggregated for purposes of determining whether any contributing sponsor is a small employer.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plans established after December 31, 2000.

SEC. 903. REDUCTION OF ADDITIONAL PBGC PREMIUM FOR NEW AND SMALL PLANS.

(a) NEW PLANS.—Subparagraph (E) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new clause:

''(v) In the case of a new defined benefit plan, the amount determined under clause (ii) for any plan year shall be an amount equal to the product of the amount determined under clause (ii) and the applicable percentage. For purposes of this clause, the term 'applicable percentage' means—

''(I) 0 percent, for the first plan year.

''(II) 20 percent, for the second plan year.

''(III) 40 percent, for the third plan year.

''(IV) 60 percent, for the fourth plan year.

''(V) 80 percent, for the fifth plan year.

For purposes of this clause, a defined benefit plan (as defined in section 3(35)) maintained by a contributing sponsor shall be treated as a new defined benefit plan for each of its first 5 plan years if, during the 36-month period ending on the date of the adoption of the plan, the sponsor and each member of any controlled group including the sponsor (or any predecessor of either) did not establish or maintain a plan to which this title applies with respect to which benefits were accrued for substantially the same employees as are in the new plan.''.

(b) SMALL PLANS.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)), as amended by section 902(b), is amended—

(1) by striking ''The'' in subparagraph (E)(i) and inserting ''Except as provided in subparagraph (G), the'', and

(2) by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) In the case of an employer who has 25 or fewer employees on the first day of the plan year, the additional premium determined under subparagraph (E) for each participant shall not exceed $5 multiplied by the number of participants in the plan as of the close of the preceding plan year.

''(ii) For purposes of clause (i), whether an employer has 25 or fewer employees on the first day of the plan year is determined taking into consideration all of the employees of all members of the contributing sponsor's controlled group. In the case of a plan maintained by two or more contributing sponsors, the employees of all contributing sponsors and their controlled groups shall be aggregated for purposes of determining whether the 25-or-fewer-employees limitation has been satisfied.''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to plans established after December 31, 2000.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2000.

SEC. 904. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS.

(a) IN GENERAL.—Section 4007(b) of the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1307(b)) is amended—

(1) by striking ''(b)'' and inserting ''(b)(1)'', and

(2) by inserting at the end the following new paragraph:

''(2) The corporation is authorized to pay, subject to regulations prescribed by the corporation, interest on the amount of any overpayment of premium refunded to a designated payor. Interest under this paragraph shall be calculated at the same rate and in the same manner as interest is calculated for underpayments under paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to refunds made on or after the date of the enactment of this Act.

SEC. 905. SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS.

(a) MODIFICATION OF PHASE-IN OF GUARANTEE.—Section 4022(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(b)(5)) is amended to read as follows:

''(5)(A) For purposes of this paragraph, the term 'majority owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

''(i) owns the entire interest in an unincorporated trade or business,

''(ii) in the case of a partnership, is a partner who owns, directly or indirectly, 50 percent or more of either the capital interest or the profits interest in such partnership, or

''(iii) in the case of a corporation, owns, directly or indirectly, 50 percent or more in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of clause (iii), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).

''(B) In the case of a participant who is a majority owner, the amount of benefits guaranteed under this section shall equal the product of—

''(i) a fraction (not to exceed 1) the numerator of which is the number of years from the later of the effective date or the adoption date of the plan to the termination date, and the denominator of which is 10, and

''(ii) the amount of benefits that would be guaranteed under this section if the participant were not a majority owner.''.

(b) MODIFICATION OF ALLOCATION OF ASSETS.—

(1) Section 4044(a)(4)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a)(4)(B)) is amended by striking ''section 4022(b)(5)'' and inserting ''section 4022(b)(5)(B)''.

(2) Section 4044(b) of such Act (29 U.S.C. 1344(b)) is amended—

(A) by striking ''(5)'' in paragraph (2) and inserting ''(4), (5),'', and

(B) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) If assets available for allocation under paragraph (4) of subsection (a) are insufficient to satisfy in full the benefits of all individuals who are described in that paragraph, the assets shall be allocated first to benefits described in subparagraph (A) of that paragraph. Any remaining assets shall then be allocated to benefits described in subparagraph (B) of that paragraph. If assets allocated to such subparagraph (B) are insufficient to satisfy in full the benefits described in that subparagraph, the assets shall be allocated pro rata among individuals on the basis of the present value (as of the termination date) of their respective benefits described in that subparagraph.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 4021 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1321) is amended—

(A) in subsection (b)(9), by striking ''as defined in section 4022(b)(6)'', and

(B) by adding at the end the following new subsection:

''(d) For purposes of subsection (b)(9), the term 'substantial owner' means an individual who, at any time during the 60-month period ending on the date the determination is being made—

''(1) owns the entire interest in an unincorporated trade or business,

''(2) in the case of a partnership, is a partner who owns, directly or indirectly, more than 10 percent of either the capital interest or the profits interest in such partnership, or

''(3) in the case of a corporation, owns, directly or indirectly, more than 10 percent in value of either the voting stock of that corporation or all the stock of that corporation. For purposes of paragraph (3), the constructive ownership rules of section 1563(e) of the Internal Revenue Code of 1986 shall apply (determined without regard to section 1563(e)(3)(C)).''.

(2) Section 4043(c)(7) of such Act (29 U.S.C. 1343(c)(7)) is amended by striking ''section 4022(b)(6)'' and inserting ''section 4021(d)''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan terminations—

(A) under section 4041(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1341(c)) with respect to which notices of intent to terminate are provided under section 4041(a)(2) of such Act (29 U.S.C. 1341(a)(2)) after December 31, 2000, and

(B) under section 4042 of such Act (29 U.S.C. 1342) with respect to which proceedings are instituted by the corporation after such date.

(2) CONFORMING AMENDMENTS.—The amendments made by subsection (c) shall take effect on January 1, 2001.

SEC. 906. MULTIEMPLOYER PLAN BENEFITS GUARANTEE.

(a) IN GENERAL.—Section 4022A(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322A(c)) is amended—

(1) by striking ''$5'' each place it appears in paragraph (1) and inserting ''$11'',

(2) by striking ''$15'' in paragraph (1) and inserting ''$33'', and

(3) by striking paragraphs (2), (5), and (6) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) CONFORMING AMENDMENT.—Section 4244(e)(4) of such Act (29 U.S.C. 1424(e)(4)) is amended by striking ''and without regard to section 4022A(c)(2)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable after the date of the enactment of this Act, except that such amendments shall not apply to any multiemployer plan that has received financial assistance (within the meaning of section 4261 of the Employee Retirement Income Security Act of 1974) within the 1-year period ending on the date of the enactment of this Act.

SEC. 907. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY.

(a) IMPOSITION AND AMOUNT OF PENALTY MADE DISCRETIONARY.—Section 502(l)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)(1)) is amended—

(1) by striking ''shall'' and inserting ''may'', and

(2) by striking ''equal to'' and inserting ''not greater than''.

(b) APPLICABLE RECOVERY AMOUNT.—Section 502(l)(2) of such Act (29 U.S.C. 1132(l)(2)) is amended to read as follows:

''(2) For purposes of paragraph (1), the term 'applicable recovery amount' means

any amount which is recovered from any fiduciary or other person (or from any other person on behalf of any such fiduciary or other person) with respect to a breach or violation described in paragraph (1) on or after the 30th day following receipt by such fiduciary or other person of written notice from the Secretary of the violation, whether paid voluntarily or by order of a court in a judicial proceeding instituted by the Secretary under subsection (a)(2) or (a)(5). The Secretary may, in the Secretary's sole discretion, extend the 30-day period described in the preceding sentence.''.

(c) OTHER RULES.—Section 502(l) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(l)) is amended by adding at the end the following new paragraph:

''(5) A person shall be jointly and severally liable for the penalty described in paragraph (1) to the same extent that such person is jointly and severally liable for the applicable recovery amount on which the penalty is based.

''(6) No penalty shall be assessed under this subsection unless the person against whom the penalty is assessed is given notice and opportunity for a hearing with respect to the violation and applicable recovery amount.''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(2) TRANSITION RULE.—In applying the amendment made by subsection (b) (relating to applicable recovery amount), a breach or other violation occurring before the date of enactment of this Act which continues after the 180th day after such date (and which may have been discontinued at any time during its existence) shall be treated as having occurred after such date of enactment.

SEC. 908. BENEFIT SUSPENSION NOTICE.

(a) MODIFICATION OF REGULATION.—The Secretary of Labor shall modify the regulation under section 203(a)(3)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1053(a)(3)(B)) to provide that the notification required by such regulation—

(1) in the case of an employee who returns to work for a former employer after commencement of payment of benefits under the plan, shall, if a reduced rate of future benefit accruals could apply to the returning employee, include a statement that the rate of future benefit accruals may be reduced, and

(2) in the case of any other employee—

(A) may be included in the summary plan description for the plan furnished in accordance with section 104(b) of such Act (29 U.S.C. 1024(b)), rather than in a separate notice, and

(B) need not include a copy of the relevant plan provisions.

(b) EFFECTIVE DATE.—The modification made under this section shall apply to plan years beginning after December 31, 2000.

Mr. JEFFORDS. Mr. President, I rise today to file an amendment on behalf of myself, as chairman of the Committee on Health, Education, Labor, and Pensions, and Mr. KENNEDY, Ranking Member of the Committee to H.R. 1102, the Retirement Security and Savings Act of 2000, as reported by the Committee on Finance on September 12, 2000. Our amendment concerns pension issues within our jurisdiction. It would simplify and modify provisions of the Employee Retirement Income Security Act of 1974 relating to employer pension plans.

More specifically, the amendment would expand the Pension Benefit Guaranty Corporation's (PBGC) Missing Participants program; reduce PBGC premiums for new plans of small employers; authorize the PBGC to pay interest on premium overpayment refunds; simplify the substantial owner benefit rules for terminated defined benefit plans; increase the PBGC guarantee of benefits in multiemployer plans; allow the Secretary of Labor to reduce or waive civil penalties for breach of fiduciary responsibility; make parties that are jointly and severally liable for fiduciary violations also jointly and severally liable for the related penalty; and improve and better target notices of benefit suspension to pension plan participants.

Mr. President, I ask that our more detailed description of the amendment be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DESCRIPTION OF AMENDMENT NO. 4301 TO THE ''RETIREMENT SECURITY AND SAVINGS ACT OF 2000'' (H.R. 1102)

1. EXTENSION OF PBGC MISSING PARTICIPANTS PROGRAM

Present law

The plan administrator of a defined benefit pension plan that is subject to Title IV of ERISA, is maintained by a single employer, and terminates under a standard termination is required to distribute the assets of the plan. With respect to a participant whom the plan administrator cannot locate after a diligent search, the plan administrator satisfies the distribution requirement only by purchasing irrevocable commitments from an insurer to provide all benefit liabilities under the plan or transferring the participant's designated benefit to the Pension Benefit Guaranty Corporation (''PBGC''), which holds the benefit of the missing participant as trustee until the PBGC locates the missing participant and distributes the benefit. The PBGC missing participant program is not available to multiemployer plans or defined contribution plans and other plans not covered by Title IV of ERISA.

Reason for change

Terminating multiemployer plans and terminating defined contribution plans face the same problems with missing participants as single-employer defined benefit plans. Allowing terminating multiemployer and defined contribution plans to transfer pension funds for missing participants to the PBGC would enable these plans to wind up their affairs and would increase the chances that missing participants will be able to locate their benefits.

Description of proposal

The proposal would direct the PBGC to prescribe for terminating multiemployer plans and terminating defined contribution plans (including plans under section 401(k) of the Internal Revenue Code) rules similar to the present-law missing participant rules applicable to terminating single-employer plans that are subject to Title IV of ERISA.

Effective date

The proposal would be effective for distributions from terminating plans that occur after the PBGC has adopted final regulations implementing the proposal.

2. REDUCE PBGC PREMIUMS FOR SMALL AND NEW PLANS

Present law

Under present law, the Pension Benefit Guaranty Corporation (''PBGC'') provides insurance protection for participants and beneficiaries under certain defined benefit pension plans by guaranteeing certain basic benefits under the plan in the event the plan is terminated with insufficient assets. The guaranteed benefits are funded in part by premium payments from employers who sponsor defined benefit plans.

The amount of the required annual PBGC premium for a single-employer plan is generally a flat rate premium of $19 per participant and an additional variable rate premium based on a charge of $9 per $1,000 of unfunded vested benefits. Unfunded vested benefits under a plan generally means (1) the unfunded current liability for vested benefits under the plan, over (2) the value of the plan's assets, reduced by any credit balance in the funding standard account. No variable rate premium is imposed for a year if contributions to the plan were at least equal to the full funding limit. The PBGC guarantee is phased in ratably in the case of plans that have been in effect for less than 5 years, and with respect to benefit increases from a plan amendment that was in effect for less than 5 years before termination of the plan.

Reason for change

The number of single-employer defined benefit plans covered by PBGC has declined dramatically in recent years—from 112,000 in 1985 to little over 39,000 in 1999. Most of the decline is because of the termination of small plans. An employer incurs a number of one-time costs to establish a plan. The proposal is intended to remove the PBGC premium as a disincentive to small employers establishing defined benefit plans.

For very small employers, the variable-rate premium can be a disproportionately large and unpredictable cost and can discourage them from establishing or maintaining a defined benefit pension plan for their employees. Very small employers would be more likely to establish and keep defined benefit plans if they could be assured that the variable rate premium would be affordable.

While most of the decline in the number of defined benefit plans is because of the termination of small plans, many larger plans also have terminated. Further, larger employers that establish plans are not choosing defined benefit plans.

Incentives are needed to encourage establishment of defined benefit plans by larger employers. The PBGC variable rate premium can be a disincentive to some plans. The proposal would provide a limited break from the variable rate premium, keyed to PBGC's guarantee limits in the early years of a plan.

Description of proposal

a. Reduced flat-rate premiums for new plans of small employers

Under the proposal, for each of the first five plan years of a new single-employer plan of a small employer, the flat-rate PBGC premium would be $5 per plan participant. A small employer would be defined as a plan contributing sponsor that, together with other members of its controlled group, employs 100 or fewer employees on the first day of the plan year.

Under ERISA, the ''employer'' consists of a plan's ''contributing sponsor'' and all entities that are in ''common control'' with it under the tax code. The contributing sponsor together with the other entities in common control are also referred to as members of the ''controlled group.'' In the case of a plan to which more than one unrelated contributing sponsor contributes, employees of all

contributing sponsors (and their controlled group members) would be taken into account in determining whether the plan is a plan of a small employer.)

A new plan would mean a defined benefit plan maintained by a contributing sponsor if, during the 36-month period ending on the date of adoption of the plan, such contributing sponsor (or controlled group member or a predecessor of either) did not establish or maintain a plan subject to PBGC coverage with respect to which benefits were accrued for substantially the same employees as are in the new plan.

b. Reduced variable PBGC premium for new and small employer plans

The proposal would provide that the variable premium is phased in for ''new defined benefit plans'' over a six-year period starting with the plan's first plan year. The amount of the variable premium would be a percentage of the variable premium otherwise due, as follows: 0 percent of the otherwise applicable variable premium in the first plan year; 20 percent in the second plan year; 40 percent in the third plan year; 60 percent in the fourth plan year; 80 percent in the fifth plan year; and 100 percent in the sixth plan year (and thereafter). A new defined benefit plan would be defined as under the flat-rate premium proposal relating to new small employer plans.

In addition, in the case of any plan (not just a new plan) of an employer with 25 or fewer employees, the per-participant variable-rate premium would be no more than $5 multiplied by the number of plan participants.

Effective date

The proposals relating to new plans would be effective for plans established after December 31, 2000. The proposal reducing the PBGC variable premium for small plans would be effective for years after December 31, 2000.

3. AUTHORIZATION FOR PBGC TO PAY INTEREST ON PREMIUM OVERPAYMENT REFUNDS

Present law

The PBGC currently charges interest on underpayments but is not authorized to pay interest to plan sponsors on refunds of premium overpayments.

Reason for change

Premium payors should receive interest on monies that are owed to them.

Description of proposal

The proposal would allow the PBGC to pay interest on overpayments made by premium payors. Interest paid on overpayments would be calculated at the same rate and in the same manner as interest is charged on premium underpayments.

Effective date

The proposal would be effective with respect to refunds made on or after the date of enactment of this Act.

4. RULES FOR SUBSTANTIAL OWNER BENEFITS IN TERMINATED PLANS

Present law

Under present law, the Pension Benefit Guaranty Corporation (''PBGC'') provides participants and beneficiaries in a defined benefit pension plan with certain minimal guarantees as to the receipt of benefits under the plan in case of plan termination. The employer sponsoring the defined benefit pension plan is required to pay premiums to the PBGC to provide insurance for the guaranteed benefits. In general, PBGC will guarantee all basic benefits which are payable in periodic installments for the life (or lives) of the participant and his or her beneficiaries and are non-forfeitable at the time of plan termination. The amount of the guaranteed benefit is subject to certain limitations. One limitation is that the plan (or an amendment to the plan which increases benefits) must be in effect for 60 months before termination for the PBGC to guarantee the full amount of basic benefits for a plan participant, other than a substantial owner. In the case of a substantial owner, the guaranteed basic benefit is phased in over 30 years beginning with participation in the plan. A substantial owner is one who owns, directly or indirectly, more than 10 percent of the voting stock of a corporation. Special rules restricting the amount of benefit guaranteed and the allocation of assets also apply to substantial owners.

Reason for change

The special substantial owner rules are inordinately complex and require plan documents going back as far as 30 years, which are difficult or impossible to obtain. The rules penalize owners in plans that started out with modest benefit levels and those with little control over plan decisions. Changes are needed in the guarantee and asset allocation rules to simplify determination of benefits and eliminate the unduly harsh treatment of owners under the current law. The proposed changes also will eliminate one of the reasons that small business owners give for not establishing defined benefit plans (i.e., the inadequacy of PBGC guarantees for owners).

Description of proposal

The proposal would provide that the 60-month phase-in of guaranteed benefits would apply to a substantial owner with less than 50 percent ownership interest. For a substantial owner with a 50 percent of more ownership interest (''majority owner''), the guarantee would depend on the number of years the plan has been in effect and would not be more than the amount guaranteed for other participants. Specifically, a majority owner's guarantee would be computed by multiplying the guarantee that would apply if the participant were not a substantial owner, by a fraction (not to exceed 1), the numerator of which is the number of years the plan was in effect, and the denominator of which is 10. The rules regarding allocation of assets would apply to substantial owners, other than majority owners, in the same manner as other participants.

Effective date

The proposal would be effective for plan terminations with respect to which notices of intent to terminate are provided, or for which proceedings for termination are instituted by the PBGC after December 31, 2000.

5. MULTIEMPLOYER PLAN BENEFITS GUARANTEED

Present law

The PBGC guarantees benefits of workers in multiemployer plans. The monthly guarantee is equal to the participant's years of service multiplied by the sum of (i) 100 percent of the first $5 of the monthly benefit accrual rate, and (ii) 75 percent of the next $15 of the accrual rate. The level of benefits guaranteed by the PBGC under the multiemployer program is modest and has not increased since 1980. For a retiree with 30 years of service, the maximum guaranteed annual benefit if $5,850. The maximum guarantee under the PBGC's single-employer program is adjusted each year to reflect changes in the social security wage index.

Reason for change

The level of benefits guaranteed by the PBGC under the multiemployer program is modest and has not increased since 1980.

Description of proposal

The proposal adjusts the amount guaranteed in multiemployer plans to account for changes in the social security wage index since 1980. Under the proposal, the PBGC would guarantee a monthly benefit equal to the participant's years of service multiplied by the sum of (i) 100 percent of the first $11 of the monthly benefit accrual rate, and (ii) 75 percent of the next $33 of the accrual rate. The proposed change would increase the maximum annual guarantee for a retiree with 30 years of service to $12,870.

Effective date

The proposal would be effective for benefits payable after the date of enactment of this Act, excluding benefits payable under a multiemployer plan that received assistance payments from the PBGC during the one-year period ending on the date of enactment of this Act.

6. CIVIL PENALTIES FOR BREACH OF FIDUCIARY RESPONSIBILITY

Current law

Section 502(1) was added to ERISA by the Omnibus Budget Reconciliation Act of 1989. In its current form, section 502(1) requires the Secretary of Labor to assess a civil penalty against a fiduciary who breaches a fiduciary responsibility under, or commits a violation of, Part 4 of Title I of ERISA, or any other person who knowingly participates in such a breach or violation. The penalty is a flat 20 percent of the ''applicable recovery amount'' that is paid pursuant to a settlement agreement with the Secretary or that a court orders to be paid in a judicial proceeding brought by the Secretary to enforce ERISA's fiduciary responsibility provisions. The Secretary may waive or reduce the penalty only if the Secretary finds in writing that either (1) the violator acted reasonably and in good faith, or (2) it is reasonable to expect that the violator cannot restore all the losses without severe financial hardship unless the waiver or reduction is granted.

Reson for change

Since its enactment, the section 502(1) penalty provision has discouraged voluntary, prompt settlements of fiduciary violations with the Department of Labor. This is because the Secretary of Labor was given little authority to reduce or waive the penalty in order to encourage prompt settlements with violators. Moreover, administration of the provision often raises difficult questions concerning whether a particular payment to a plan was made pursuant to a settlement agreement.

Description of proposal

The proposal would remove the current disincentive to settlement and encourage parties to quickly settle claims of violations that the Department brings to their attention. The proposal would give the Secretary of Labor full discretion to reduce or waive the penalty, and no penalty would be assessed on any amount recovered by a plan or by a participant or beneficiary within 30 days after the violator receives written notice of the violation from the Department of Labor. The Secretary would be given authority to extend the 30-day grace period.

The proposal would make all persons who are jointly and severally liable for a violation also jointly and severally liable for the penalty. The proposal also would clarify that the term ''applicable recovery amount'' includes payments by third parties that are made on behalf of the violator. This change would prevent avoidance of the penalty by having an unrelated third party pay the recovery amount.

Finally, when a penalty is contested, the proposal would give Administrative Law Judges the authority to decide both the existence of the underlying violation and the applicable recovery amount. This provision

would apply to any breach of fiduciary responsibility or other violation of Part 4 of Title I of ERISA occurring on or after enactment.

Effective date

(a) General effective date. The proposal would apply to any breach of fiduciary responsibility or other violation of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 occurring on or after the date of enactment of this Act.

(b) Transition rule. Fiduciaries would have six months from the date of enactment to undo continuing violations without application of the amendments. Thereafter, all such violations would be treated as having begun after the effective date of the amendments for purposes of determining the applicable recovery amount.

7. BENEFIT SUSPENSION NOTICE

Current law

Pension plans must provide a ''Benefit Suspension Notice'' to retirees who have been receiving a pension who then decide to return to work for that same employer. These same notices are sent to employees who continue to work past normal retirement age. The plan must provide this notice during the first calendar month or payroll period after the employee reaches normal retirement age or the plan risks losing its tax exempt status.

Reason for change

The loss of tax exempt status is an excessive penalty for failure to give a notice to employees reaching normal retirement age. These ''Benefit Suspension Notices'' are often regarded by employees who choose to continue to work past normal retirement age either as a sign that the employer is trying to force them into retirement or as a notice that somehow the pension plan is being suspended. In either case, for the employee who continues to work, and does not expect to receive a pension, these notices are often cause for alarm. The benefit ''suspension'' notice for benefit payments that have not yet begun is irrational and should be discontinued.

Benefit Suspension Notices sent to retirees who return to work for their previous employer do not currently alert these workers to reductions in the rate of benefit accruals that may now apply to them because they are working past normal retirement age, the plan has been amended or terminated, or for other reasons. As a result, these workers may not be prepared for these lower accrual rates (or no accruals in the case of a terminated plan).

Description of proposal

The proposal would require that ''Benefit Suspension Notices'' be sent only to those pension plan beneficiaries who return to the workforce. Benefit Suspension Notices sent to a retiree returning to work for a previous employer, must include a statement that the rate of future benefit accruals may be reduced, if a reduced accrual rate could apply to the returning worker.

Effective date

The proposal would apply to plan years beginning after December 31, 2000.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

WYDEN (AND CRAIG) AMENDMENT NO. 4302

Mr HAGEL (for Mr. WYDEN (for himself and Mr. CRAIG)) proposed an amendment to the bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Secure Rural Schools and Community Self-Determination Act of 2000''.

(b) Table of Contents.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To stabilize payments to counties to provide funding for schools and roads that supplements other available funds.

(2) To make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to—

(A) road, trail, and infrastructure maintenance or obliteration;

(B) soil productivity improvement;

(C) improvements in forest ecosystem health;

(D) watershed restoration and maintenance;

(E) restoration, maintenance and improvement of wildlife and fish habitat;

(F) control of noxious and exotic weeds; and

(G) reestablishment of native species.

(3) To improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term ''eligibility period'' means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term ''eligible county'' means a county that received 50-percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) ELIGIBLE STATE.—The term ''eligible State'' means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term ''full payment amount'' means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENT.—The term ''25-percent payment'' means the payment to States required by the sixth paragraph under the heading of ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENT.—The term ''50-percent payment'' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term ''safety net payments'' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by inserting after ''(16 U.S.C. 500)'' the following: ''or the Secure Rural Schools and Community Self-Determination Act of 2000''.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) BUREAU OF LAND MANAGEMENT COUNTIES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) PAYMENT AMOUNTS.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (16 U.S.C. 500); or

(2) the full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) ELECTION; SUBMISSION OF RESULTS.—The election to receive either the full payment amount or the 25-percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) DURATION OF ELECTION.—A county election to receive the 25-percent payment shall be effective for two fiscal years. When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in section 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 (16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to eligible counties shall be expended as required by the laws referred to in paragraph (1).

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENTS.—If an eligible county elects to receive its share of the full payment amount, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—

(A) IN GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under this section in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding any adjustment made pursuant to section 101(b) in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (c)(1), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

(e) TIME FOR PAYMENT.—The payment to an eligible State under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) PAYMENT.—The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937 (43 U.S.C. 1181f), or the Act of May 24, 1939 (43 U.S.C. 1181f–1) as appropriate; or

(2) the full payment amount in place of the 50-percent payment.

(b) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) ELECTION; DURATION.—The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible county under this section for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal lands described in section 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) ALLOCATIONS.—

(A) USE OF PORTION IN SAME MANNER AS 50-PERCENT PAYMENTS.—Of the funds to be paid to an eligible county pursuant to subsection (a)(2), not less than 80 percent, but not more than 85 percent, of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended.

(B) ELECTION AS TO USE OF BALANCE.—An eligible county shall elect to do one or more of the following with the balance of the funds not expended pursuant to subparagraph (A):

(i) Reserve the balance for projects in accordance with title II.

(ii) Reserve the balance for projects in accordance with title III.

(iii) Return the balance to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) TREATMENT OF TITLE II FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) TREATMENT OF TITLE III FUNDS.—Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds received under subsection (a)(2) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(d) TIME FOR PAYMENT.—The payment to an eligible county under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that elects under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) PROJECT FUNDS.—The term ''project funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(i) and 103(c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal lands described in section 3(1)(A); and

(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal lands described in section 3(1)(B).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed

project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIAL CONTRACTING PILOT PROGRAM.—

(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable material using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale merchantable material are implemented using separate contracts:

(i) For fiscal year 2001, 15 percent.

(ii) For fiscal year 2002, 25 percent.

(iii) For fiscal year 2003, 25 percent.

(iv) For fiscal year 2004, 50 percent.

(v) For fiscal year 2005, 50 percent.

(vi) For fiscal year 2006, 50 percent.

(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable material shall be made by the Secretary concerned after the approval of the project under this title.

(D) ASSISTANCE.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal lands to assist in the administration of projects conducted under the pilot program. The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

(E) REVIEW AND REPORT.—Not later than September 30, 2003, the Comptroller General shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Resources of the House of Representatives a report assessing the pilot program. The Secretary concerned shall submit to such committees an annual report describing the results of the pilot program.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

(1) to road maintenance, decommissioning, or obliteration; or

(2) to restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of this title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title; and

(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archaeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold State elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at

least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to that project to the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B)(i) or 103(c)(1)(B)(i), whichever applies to the funds involved.

SEC. 208. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that elects under section 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of the Federal funds received under section 102 or 103 in accordance with this title.

(2) COUNTY FUNDS.—The term ''county funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) LIMITATION ON COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title. A project under this title shall be approved by the participating county only following a 45-day public comment period, at the beginning of which the county shall—

(1) publish a description of the proposed project in the publications of local record; and

(2) send the proposed project to the appropriate resource advisory committee established under section 205, if one exists for the county.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for nonmotorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) FOREST RELATED EDUCATIONAL OPPORTUNITIES.—A county may use these funds to establish and conduct forest-related after school programs.

(5) FIRE PREVENTION AND COUNTY PLANNING.—A county may use these funds for—

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.

(6) COMMUNITY FORESTRY.—A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) RELATION TO OTHER APPROPRIATIONS.—Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(d)(1)(B)(iii) or section 103(c)(1)(B)(iii), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) are repealed.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

SEC. 501. SHORT TITLE.

This title may be cited as the ''Mineral Revenue Payments Clarification Act of 2000''.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Section 10201 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 107 Stat. 407) amended section 35 of the Mineral Leasing Act (30 U.S.C. 191) to change the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues ''50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency

during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws . . .''.

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November 1997, the Inspector General of the Department of the Interior found that ''the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions''.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)) is amended to read as follows:

''(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.''.

TITLE VI—COMMUNITY FOREST RESTORATION

SECTION 601. SHORT TITLE.

This title may be cited as the ''Community Forest Restoration Act''.

SEC. 602. FINDINGS.

The Congress finds the following:

(1) A century of fire suppression, logging, and livestock grazing has altered the ecological balance of New Mexico's forests.

(2) Some forest lands in New Mexico contain an unnaturally high number of small diameter trees that are subject to large, high intensity wildfires that can endanger human lives, livelihoods, and ecological stability.

(3) Forest lands that contain an unnaturally high number of small diameter trees have reduced biodiversity and provide fewer benefits to human communities, wildlife, and watersheds.

(4) Healthy and productive watersheds minimize the threat of large, high intensity wildfires, provide abundant and diverse wildlife habitat, and produce a variety of timber and non-timber products including better quality water and increased water flows.

(5) Restoration efforts are more successful when there is involvement from neighboring communities and better stewardship will evolve from more diverse involvement.

(6) Designing demonstration restoration projects through a collaborative approach may—

(A) lead to the development of cost effective restoration activities;

(B) empower diverse organizations to implement activities which value local and traditional knowledge;

(c) build ownership and civil pride; and

(D) ensure healthy, diverse, and productive forests and watersheds.

SEC. 603. PURPOSES.

The purposes of this title are—

(1) to promote healthy watersheds and reduced the threat of large, high intensity wildfires, insect infestation, and disease in the forests in New Mexico;

(2) to improve the functioning of forest ecosystems and enhance plant and wildlife biodiversity by reducing the unnaturally high number and density of small diameter trees on Federal, Tribal, State, County, and Municipal, forest lands;

(3) to improve communication and joint problem solving among individuals and groups who are interested in restoring the diversity and productivity of forested watersheds in New Mexico;

(4) to improve the use of, or add value to, small diameter trees;

(5) to encourage sustainable communities and sustainable forests through collaborative partnerships whose objectives are forest restoration; and

(6) to develop, demonstrate, and evaluate ecologically sound forest restoration techniques.

SEC. 604. DEFINITIONS.

As used in this title—

(1) the term 'Secretary' means the Secretary of Agriculture acting through the Chief of the Forest Service; and

(2) the term 'stakeholder' includes: tribal governments, educational institutions, landowners, and other interested public and private entities.

SEC. 605. ESTABLISHMENT OF PROGRAM.

(a) The Secretary shall establish a cooperative forest restoration program in New Mexico in order to provide cost-share grants to stakeholders for experimental forest restoration projects that are designed through a collaborative process (hereinafter referred to as the 'Collaborative Forest Restoration Program'). The projects may be entirely on, or on any combination of, Federal, Tribal, State, County, or Municipal forest lands. The Federal share of an individual project cost shall not exceed eighty percent of the total costs. The twenty percent matching may be in the form of cash or in-kind contribution.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive funding under this title, a project shall—

(1) address the following objectives—

(A) reduce the threat of large, high intensity wildfires and the negative effects of excessive competition between trees by restoring ecosystem functions, structures, and species composition, including the reduction of non-native species populations;

(B) re-establish fire regimes approximating those that shaped forest ecosystems prior to fire suppression;

(C) preserve old and large trees;

(D) replant trees in deforested areas if they exist in the proposed project area; and

(E) improve the use of, or add value to, small diameter trees;

(2) comply with all Federal and State environmental laws;

(3) include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State County, and Municipal government representatives in the design, implemention, and monitoring of the project;

(4) incorporate current scientific forest restoration information; and

(5) include a multi-party assessment to—

(A) identify both the existing ecological condition of the proposed project area and the desired future condition; and

(B) report, upon project completion, on the positive or negative impact and effectiveness of the project including improvements in local management skills and on the ground results;

(6) create local employment or training opportunities within the context of accomplishing restoration objectives, that are consistent with the purposes of this title, including summer youth jobs programs such as the Youth Conservation Corps where appropriate;

(7) not exceed four years in length;

(8) not exceed a total annual cost of $150,000, with the Federal portion not exceeding $120,000 annually, nor exceed a total cost of $450,000 for the project, with the Federal portion of the total cost not exceeding $360,000;

(9) leverage Federal funding through in-kind or matching contributions; and

(10) include an agreement by each stakeholder to attend an annual workshop with other stakeholders for the purpose of discussing the cooperative forest restoration program and projects implemented under this title. The Secretary shall coordinate and fund the annual workshop. Stakeholders may use funding for projects authorized under this title to pay for their travel and per diem expenses to attend the workshop.

SEC. 606. SELECTION PROCESS.

(a) After consulting with the technical advisory panel established in subsection (b), the Secretary shall select the proposals that will receive funding through the Collaborative Forest Restoration Program.

(b) The Secretary shall convene a technical advisory panel to evaluate the proposals for forest restoration grants and provide recommendations regarding which proposals would best meet the objectives of the Collaborative Forest Restoration Program. The technical advisory panel shall consider eligibility criteria established in section 605, the effect on long term management, and seek to use a consensus-based decision making process to develop such recommendations. The panel shall be composed of 12 to 15 members, to be appointed by the Secretary as follows:

(1) A State Natural Resource official from the State of New Mexico.

(2) At least two representatives from Federal land management agencies.

(3) At least one tribal or pueblo representative.

(4) At least two independent scientists with experience in forest ecosystem restoration.

(5) Equal representation from—

(A) conservation interests;

(B) local communities; and

(C) commodity interests.

SEC. 607. MONITORING AND EVALUATION.

The Secretary shall establish a multi-party monitoring and evaluation process in order to assess the cumulative accomplishments or adverse impacts of the Collaborative Forest Restoration Program. The Secretary shall include any interested individual or organization in the monitoring and evaluation process. The Secretary also shall conduct a monitoring program to assess the short and long term ecological effects of the restoration treatments, if any, or a minimum of 15 years.

SEC. 608. REPORT.

No later than five years after the first fiscal year in which funding is made available for this program, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The report shall include an assessment on whether, and to what extent, the projects funded pursuant to this title are meeting the purposes of the Collaborative Forest Restoration Program.

SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 annually to carry out this title.

COLORADO UTE SETTLEMENT ACT OF 2000

CAMPBELL (AND ALLARD) AMENDMENT NO. 4303

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself and Mr. ALLARD) submitted an amendment intended to be proposed by them to the bill (S. 2508) to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Colorado Ute Settlement Act Amendments of 2000''.

(b) FINDINGS.—Congress makes the following findings:

(1) In order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes on the Animas and La Plata Rivers, the Tribes, the State of Colorado, and certain of the non-Indian parties to the Agreement have proposed certain modifications to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) The claims of the Colorado Ute Indian Tribes on all rivers in Colorado other than the Animas and La Plata Rivers have been settled in accordance with the provisions of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) The Indian and non-Indian communities of southwest Colorado and northwest New Mexico will be benefited by a settlement of the tribal claims on the Animas and La Plata Rivers that provides the Tribes with a firm water supply without taking water away from existing uses.

(4) The Agreement contemplated a specific timetable for the delivery of irrigation and municipal and industrial water and other benefits to the Tribes from the Animas-La Plata Project, which timetable has not been met. The provision of irrigation water can not presently be satisfied under the current implementation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) In order to meet the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in particular the various biological opinions issued by the Fish and Wildlife Service, the amendments made by this Act are needed to provide for a significant reduction in the facilities and water supply contemplated under the Agreement.

(6) The substitute benefits provided to the Tribes under the amendments made by this Act, including the waiver of capital costs and the provisions of funds for natural resource enhancement, result in a settlement that provides the Tribes with benefits that are equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(7) The requirement that the Secretary of the Interior comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other national environmental laws before implementing the proposed settlement will ensure that the satisfaction of the tribal water rights is accomplished in an environmentally responsible fashion.

(8) In considering the full range of alternatives for satisfying the water rights claims of the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, and reviewed the considerable record including the following documents:

(A) The Final EIS No. INT–FES–80–18, dated July 1, 1980.

(B) The Draft Supplement to the FES No. INT–DES–92–41, dated October 13, 1992.

(C) The Final Supplemental to the FES No. 96–23, dated April 26, 1996;

(D) The Draft Supplemental EIS, dated January 14, 2000.

(E) The Final Supplemental EIS, dated July 2000.

(F) The Record of Decision for the Settlement of the Colorado Ute Indian Waters, September 25, 2000.

(9) In the Record of Decision referred to in paragraph (8)(F), the Secretary determined that the preferred alternative could only proceed if Congress amended the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) so as to satisfy the Tribal water rights claim through the construction of the features authorized by this Act. The amendments to the Colorado Ute Indian Water Rights Settlement Act of 1988 set forth in this Act will provide the Ute Tribes with substitute benefits equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988, in a manner consistent with paragraph (8) and the Federal Government's trust obligation.

(10) Based upon paragraph (8), it is the intent of Congress to enact legislation that implements the Record of Decision referred to in paragraph (8)(F).

(c) DEFINITIONS.—In this Act:

(1) AGREEMENT.—The term ''Agreement'' has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) ANIMAS-LA PLATA PROJECT.—The term ''Animas-La Plata Project'' has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) DOLORES PROJECT.—The term ''Dolores Project'' has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

(4) TRIBE; TRIBES.—The term ''Tribe'' or ''Tribes'' has the meaning given that term in section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

SEC. 2. AMENDMENTS TO SECTION 6 OF THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

Subsection (a) of section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975) is amended to read as follows:

''(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—

''(1) FACILITIES.—

''(A) IN GENERAL.—After the date of enactment of this subsection, but prior to January 1, 2005, or the date established in the Amended Final Decree described in section 18(c), the Secretary, in order to settle the outstanding claims of the Tribes on the Animas and La Plata Rivers, acting through the Bureau of Reclamation, is specifically authorized to—

''(i) complete construction of, and operate and maintain, a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply, which facilities shall—

''(I) be designed and operated in accordance with the hydrologic regime necessary for the recovery of the endangered fish of the San Juan River as determined by the San Juan River Recovery Implementation Program;

''(II) be operated in accordance with the Animas-La Plata Project Compact as approved by Congress in Public Law 90-537;

''(III) include an inactive pool of an appropriate size to be determined by the Secretary following the completion of required environmental compliance activities; and

''(IV) include those recreation facilities determined to be appropriate by agreement between the State of Colorado and the Secretary that shall address the payment of any of the costs of such facilities by the State of Colorado in addition to the costs described in paragraph (3); and

''(ii) deliver, through the use of the project components referred to in clause (i), municipal and industrial water allocations—

''(I) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs;

''(II) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Ute Mountain Ute Indian Tribe for its present and future needs;

''(III) with an average annual depletion not to exceed 2,340 acre-feet of water, to the Navajo Nation for its present and future needs;

''(IV) with an average annual depletion not to exceed 10,400 acre-feet of water, to the San Juan Water Commission for its present and future needs;

''(V) with an average annual depletion of an amount not to exceed 2,600 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs;

''(VI) with an average annual depletion of an amount not to exceed 5,230 acre-feet of water, to the State of Colorado for its present and future needs; and

''(VII) with an average annual depletion of an amount not to exceed 780 acre-feet of water, to the La Plata Conservancy District of New Mexico for its present and future needs.

''(B) APPLICABILITY OF OTHER FEDERAL LAW.—The responsibilities of the Secretary described in subparagraph (A) are subject to the requirements of Federal laws related to the protection of the environment and otherwise applicable to the construction of the proposed facilities, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Water Act (42 U.S.C. 7401 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other Federal official under applicable laws.

''(C) LIMITATION.—

''(i) IN GENERAL.—If constructed, the facilities described in subparagraph (A) shall constitute the Animas-La Plata Project. Construction of any other project features authorized by Public Law 90-537 shall not be commenced without further express authorization from Congress.

''(ii) CONTINGENCY IN APPLICATION.—If the facilities described in subparagraph (A) are not constructed and operated, clause (i) shall not take effect.

''(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the facilities that are required to deliver the municipal and industrial water allocations described in subclauses (I), (II) and (III) of paragraph (1)(A)(ii) shall be nonreimbursable to the United States.

''(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—

''(A) IN GENERAL.—Under the provisions of section 9 of the Act of August 4, 1939 (43 U.S.C. 485h), the nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(i) may be satisfied upon the payment in full of the nontribal water capital obligations prior to the initiation of construction. The amount of the obligations described in the preceding sentence shall be determined by agreement between the Secretary of the Interior and the entity responsible for such repayment as to the appropriate reimbursable share of the construction costs allocated to that entity's municipal water storage. Such repayment shall be consistent with Federal reclamation law, including the Colorado River Storage Project Act of 1956 (43 U.S.C. 620 et seq.). Such agreement shall take into account the fact that the construction of certain project facilities, including those facilities required to provide irrigation water supplies from the Animas-La Plata Project, is not authorized under paragraph (1)(A)(i) and no costs associated with the design or development of such facilities, including costs associated with environmental compliance, shall be allocable to the municipal and industrial users of the facilities authorized under such paragraph.

''(B) NONTRIBAL REPAYMENT OBLIGATION SUBJECT TO FINAL COST ALLOCATION.—The nontribal repayment obligation set forth in subparagraph (A) shall be subject to a final cost allocation by the Secretary upon project completion. In the event that the final cost allocation indicates that additional repayment is warranted based on the applicable entity's share of project water storage and determination of overall reimbursable cost, that entity may elect to enter into a new agreement to make the additional payment necessary to secure the full water supply identified in paragraph (1)(A)(ii). If the repayment entity elects not to enter into a new agreement, the portion of project storage relinquished by such election shall be available to the Secretary for allocation to other project purposes. Additional repayment shall only be warranted for reasonable and unforeseen costs associated with project construction as determined by the Secretary in consultation with the relevant repayment entities.

''(C) REPORT.—Not later than April 1, 2001, the Secretary shall report to Congress on the status of the cost-share agreements contemplated in subparagraph (A). In the event that no agreement is reached with either the Animas-La Plata Conservancy District or the State of Colorado for the water allocations set forth in subclauses (V) and (VI) of paragraph (1)(A)(ii), those allocations shall be reallocated equally to the Colorado Ute Tribes.

''(4) TRIBAL WATER ALLOCATIONS.—

''(A) IN GENERAL.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or used pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable to that municipal and industrial water allocation of the Tribe.

''(B) TREATMENT OF COSTS.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

''(5) REPAYMENT OF PRO RATA SHARE.—Upon a Tribe's first use of an increment of a municipal and industrial water allocation described in paragraph (4), or the Tribe's first use of such water pursuant to the terms of a water use contract—

''(A) repayment of that increment's pro rata share of those allocable construction costs for the Dolores Project shall be made by the Tribe; and

''(B) the Tribe shall bear a pro rata share of the allocable annual operation, maintenance, and replacement costs of the increment as referred to in paragraph (4).''.

SEC. 3. MISCELLANEOUS.

The Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) is amended by adding at the end the following:

''SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MATTERS.

''(a) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, as soon as practicable, in a manner consistent with applicable law, assign, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or to the New Mexico Interstate Stream Commission in accordance with the request of the State Engineer, the Department of the Interior's interest in New Mexico State Engineer Permit Number 2883, dated May 1, 1956, in order to fulfill the New Mexico non-Navajo purposes of the Animas-La Plata Project, so long as the permit assignment does not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to the use of the water involved.

''(b) NAVAJO NATION MUNICIPAL PIPELINE.—The Secretary is specifically authorized to construct a water line to augment the existing system that conveys the municipal water supplies, in an amount not less than 4,680 acre-feet per year, to the Navajo Indian Reservation at or near Shiprock, New Mexico. The Secretary shall comply with all applicable environmental laws with respect to such water line. Construction costs allocated to the Navajo Nation for such water line shall be nonreimbursable to the United States.

''(c) PROTECTION OF NAVAJO WATER CLAIMS.—Nothing in this Act, including the permit assignment authorized by subsection (a), shall be construed to quantify or otherwise adversely affect the water rights and the claims of entitlement to water of the Navajo Nation.

''SEC. 16. RESOURCE FUNDS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $8,000,000 for each of fiscal years 2002 through 2006. Not later than 60 days after amounts are appropriated and available to the Secretary for a fiscal year under this paragraph, the Secretary shall make a payment to each of the Tribal Resource Funds established under subsection (b). Each such payment shall be equal to 50 percent of the amount appropriated for the fiscal year involved.

''(b) FUNDS.—The Secretary shall establish a—

''(1) Southern Ute Tribal Resource Fund; and

''(2) Ute Mountain Ute Tribal Resource Fund.

''(c) TRIBAL DEVELOPMENT.—

''(1) INVESTMENT.—The Secretary shall, in the absence of an approved tribal investment plan provided for under paragraph (2), invest the amount in each Tribal Resource Fund established under subsection (b) in accordance with the Act entitled, 'An Act to authorize the deposit and investment of Indian funds' approved June 24, 1938 (25 U.S.C. 162a). With the exception of the funds referred to in paragraph (3)(B)(i), the Secretary shall disburse, at the request of a Tribe, the principal and income in its Resource Fund, or any part thereof, in accordance with a resource acquisition and enhancement plan approved under paragraph (3).

''(2) INVESTMENT PLAN.—

''(A) IN GENERAL.—In lieu of the investment provided for in paragraph (1), a Tribe may submit a tribal investment plan applicable to all or part of the Tribe's Tribal Resource Fund, except with respect to the funds referred to in paragraph (3)(B)(i).

''(B) APPROVAL.—Not later than 60 days after the date on which an investment plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonable and sound. If the Secretary does not approve such investment plan, the Secretary shall set forth in writing and with particularity the reasons for such disapproval. If such investment plan is approved by the Secretary, the Tribal Resource Fund involved shall be disbursed to the Tribe to be invested by the Tribe in accordance with the approved investment plan, subject to subsection (d).

''(C) COMPLIANCE.—The Secretary may take such steps as the Secretary determines to be necessary to monitor the compliance of a Tribe with an investment plan approved under subparagraph (B). The United States shall not be responsible for the review, approval, or audit of any individual investment under the plan. The United States shall not be directly or indirectly liable with respect to any such investment, including any act or omission of the Tribe in managing or investing such funds.

''(D) ECONOMIC DEVELOPMENT PLAN.—The principal and income derived from tribal investments under an investment plan approved under subparagraph (B) shall be subject to the provisions of this section and shall be expended only in accordance with an economic development plan approved under paragraph (3)(B).

''(3) ECONOMIC DEVELOPMENT PLAN.—

''(A) IN GENERAL.—Each Tribe shall submit to the Secretary a resource acquisition and enhancement plan for all or any portion of its Tribal Resource Fund.

''(B) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under subparagraph (A), the Secretary shall approve such plan if it is consistent with the following requirements:

''(i) With respect to at least ¾ of the funds appropriated pursuant to this section and consistent with the long-standing practice of the Tribes and other local entities and communities to work together to use their respective water rights and resources for mutual benefit, at least ¾ of the funds appropriated pursuant to this section shall be utilized to enhance, restore, and utilize the Tribes' natural resources in partnership with adjacent non-Indian communities or entities in the area.

''(ii) The plan must be reasonably related to the protection, acquisition, enhancement, or development of natural resources for the benefit of the Tribe and its members.

''(iii) Notwithstanding any other provision of law and in order to ensure that the Federal Government fulfills the objectives of the Record of Decision referred to in section 1(b)(8)(F) of the Colorado Ute Settlement Act Amendments of 2000 by requiring that the funds referred to in clause (i) are expended directly by employees of the Federal Government, the Secretary acting through the Bureau of Reclamation shall expend not less than ⅓ of the funds referred to in clause (i) for municipal or rural water development and not less than ⅔ of the funds referred to

such clause for resource acquisition and enhancement.

''(C) MODIFICATION.—Subject to the provisions of this Act and the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

''(D) LIABILITY.—The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

''(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—No part of the principal contained in the Tribal Resource Fund, or of the income accruing to such funds, or the revenue from any water use contract, shall be distributed to any member of either Tribe on a per capita basis.

''(e) LIMITATION ON SETTING ASIDE FINAL CONSENT DECREE.—Neither the Tribes nor the United States shall have the right to set aside the final consent decree solely because the requirements of subsection (c) are not complied with or implemented.

''(f) LIMITATION ON DISBURSEMENT OF TRIBAL RESOURCE FUNDS.—Any funds appropriated under this section shall be placed into the Southern Ute Tribal Resource Fund and the Ute Mountain Ute Tribal Resource Fund in the Treasury of the United States but shall not be available for disbursement under this section until the final settlement of the tribal claims as provided in section 18. The Secretary of the Interior may, in the Secretary's sole discretion, authorize the disbursement of funds prior to the final settlement in the event that the Secretary determines that substantial portions of the settlement have been completed. In the event that the funds are not disbursed under the terms of this section by December 31, 2012, such funds shall be deposited in the general fund of the Treasury.

''SEC. 17. COLORADO UTE SETTLEMENT FUND.

''(a) ESTABLISHMENT OF FUND.—There is hereby established within the Treasury of the United States a fund to be known as the 'Colorado Ute Settlement Fund'.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Colorado Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in sections 6(a)(1)(A) and 15(b) within 7 years of the date of enactment of this section. Such funds are authorized to be appropriated for each of the first 5 fiscal years beginning with the first full fiscal year following the date of enactment of this section.

''SEC. 18. FINAL SETTLEMENT.

''(a) IN GENERAL.—The construction of the facilities described in section 6(a)(1)(A), the allocation of the water supply from those facilities to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with section 16 and the issuance of an amended final consent decree as contemplated in subsection (c) shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

''(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

''(c) ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall file with the District Court, Water Division Number 7, of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this Act under the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. The amended final consent decree shall specify terms and conditions to provide for an extension of the current January 1, 2005, deadline for the Tribes to commence litigation of their reserved rights claims on the Animas and La Plata Rivers.

''SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

''(a) IN GENERAL.—Nothing in the amendments made by the Colorado Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

''(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the State of Colorado, to the State of Colorado after the date on which payment is made of the amount specified in that section.''.

● Mr. CAMPBELL. Mr. President, today I am submitting an amendment which supercedes S. 2508, legislation I introduced earlier this year to provide for the final settlement of the Colorado Ute Indians Water Rights Settlement Act of 1988. I am proud to have my colleague Senator WAYNE ALLARD as an original cosponsor of this legislation.

These amendments come after prolonged negotiations with officials of the Department of Interior, the Tribes and other parties to this agreement. It is our last opportunity to fulfill our treaty obligations and prevent the Tribes from suing the federal government for the water they were promised more than 12 years ago.

I am aware of the precious little time we have left in this session and the huge legislative task we have with the remaining important legislation which remains on our calendar. Unfortunately, the Secretary of the Interior waited until September 25, 2000 to sign a Record of Decision supporting these amendments, amendments his staff helped negotiate. It was my intent to move forward long before this.

However, I am compelled to introduce this amended legislation now, because by law, the Tribes already have the ability to sue the federal government to have their treaty obligations for water fulfilled. And, I believe the Tribes will undoubtedly prevail and the damages awarded them could far exceed what it will cost us to do what is already prescribed by law and federal treaty.

The record, the law and our moral obligation in this matter are clear. I believe the Administration and my colleagues agree with me, the time to put this matter behind us has come. We teach our children that our country was built on honesty, respect for the law and integrity. But, we cannot hold up our respect for treaties we have entered into with American Indians, because we have never honored any of those treaties we have signed. It is time to do what is right and to make water available to the Ute Tribes. This legislation does so in a manner that minimizes the environmental impacts and the burden on the American taxpayers.

I urge my colleagues to support passage of this legislation before Congress adjourns for the year.●

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

On October 5, 2000, the Senate amended and passed S. 1756, as follows:

S. 1756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Laboratories Partnership Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''departmental mission'' means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term ''National Laboratory'' means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy Laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term ''facility'' means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y–12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term ''nonprofit institution'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term ''Secretary'' means the Secretary of Energy;

(8) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term ''technology-related business concern'' means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufacturers products based on new technologies, or

(D) performs technological services;

(10) the term ''technology cluster'' means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance through formal or informal relationships;

(11) the term ''socially and economically disadvantaged small business concerns'' has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term ''NNSA'' means the National Nuclear Security Administration established by title XXXII of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support the missions of the National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments,

that can support the missions of the National Laboratories and facilities.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide no more than $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory or facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of Federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive Federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, that can support the missions of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project; and

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so, how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date and the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 4 may also serve as the technology partnership ombudsman.

SEC. 6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics—

(1) the possible benefits from and need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fee schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Funds-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purposes of this section, the term ''Funds-In-Agreement'' means a contract between the Department and a non-Federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall transmit the report, along with his recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

''(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

''(2)(A) The Secretary of Energy shall ensure that—

''(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

''(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

''(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

''(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

''(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

''(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.''.

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 3.

SEC. 8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this Act with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of title XXXII of the National Defense Authorization Act for Fiscal Year 2000.

SEC. 9. COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS FOR GOVERNMENT-OWNED, CONTRACTOR-OPERATED LABORATORIES.

(a) STRATEGIC PLANS.—Subsection (a) of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by striking ''joint work statement,'' and inserting ''joint work statement or, if permitted by the agency, in an agency-approved annual strategic plan,''.

(b) EXPERIMENTAL FEDERAL WAIVERS.—Subsection (b) of that section is amended by adding at the end the following new paragraph:

''(6)(A) In the case of a Department of Energy laboratory, a designated official of the Department of Energy may waive any license retained by the Government under paragraph (1)(A), (2), or (3)(D), in whole or in part and according to negotiated terms and conditions, if the designated official finds that the retention of the license by the Department of Energy would substantially inhibit the commercialization of an invention that would otherwise serve an important Federal mission.

''(B) The authority to grant a waiver under subparagraph (A) shall expire on the date that is 5 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001.

''(C) The expiration under subparagraph (B) of authority to grant a waiver under subparagraph (A) shall not effect any waiver granted under subparagraph (A) before the expiration of such authority.''.

(c) TIME REQUIRED FOR APPROVAL.—Subsection (c)(5) of that section is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C); and

(3) in subparagraph (C) as so redesignated—

(A) in clause (i)—

(i) by striking ''with a small business firm''; and

(ii) by inserting ''if'' after ''statement''; and

(B) by adding at the end the following new clauses:

''(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

''(v) A Federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency considers appropriate. However, the agency may not take longer than 30 days to review and approve, request modifications to, or disapprove any proposed agreement or joint work statement that it elects to receive.''.

SEC. 10. COOPERATIVE RESEARCH AND DEVELOPMENT OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) OBJECTIVE FOR OBLIGATION OF FUNDS.—It shall be an objective of the Administrator of the National Nuclear Security Administration to obligate funds for cooperative research and development agreements (as that term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))), or similar cooperative, cost-shared research partnerships with non-Federal organizations, in a fiscal year covered by subsection (b) in an amount at least equal to the percentage of the total

amount appropriated for the Administration for such fiscal year that is specified for such fiscal year under subsection (b).

(b) FISCAL YEAR PERCENTAGES.—The percentages of funds appropriated for the National Nuclear Security Administration that are obligated in accordance with the objective under subsection (a) are as follows:

(1) In each of fiscal years 2001 and 2002, 0.5 percent.

(2) In any fiscal year after fiscal year 2002, the percentage recommended by the Administrator for each such fiscal year in the report under subsection (c).

(c) RECOMMENDTIONS FOR PERCENTAGES IN LATER FISCAL YEARS.—Not later than one year after the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report setting forth the Administrator's recommendations for appropriate percentages of funds appropriated for the National Nuclear Security Administration to be obligated for agreements described in subsection (a) during each fiscal year covered by the report.

(d) CONSISTENCY OF AGREEMENTS.—Any agreement entered into under this section shall be consistent with and in support of the mission of the National Nuclear Security Administration.

(e) REPORTS ON ACHIEVEMENT OF OBJECTIVE.—(1) Not later than March 30, 2002, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on whether funds of the National Nuclear Security Administration were obligated in the fiscal year ending in the preceding year in accordance with the objective for such fiscal year under this section.

(2) If funds were not obligated in a fiscal year in accordance with the objective under this section for such fiscal year, the report under paragraph (1) shall—

(A) describe the actions the Administrator proposes to take to ensure that the objective under this section for the current fiscal year and future fiscal years will be met; and

(B) include any recommendations for legislation required to achieve such actions.

GREAT SAND DUNES NATIONAL PARK ACT OF 2000

On October 5, 2000, the Senate amended and passed S. 2547, as follows:

S. 2547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Great Sand Dunes National Park and Preserve Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Great Sand Dunes National Monument in the State of Colorado was established by Presidential proclamation in 1932 to preserve Federal land containing spectacular and unique sand dunes and additional features of scenic, scientific, and educational interest for the benefit and enjoyment of future generations;

(2) the Great Sand Dunes, together with the associated sand sheet and adjacent wetland and upland, contain a variety of rare ecological, geological, paleontological, archaeological, scenic, historical, and wildlife components, which—

(A) include the unique pulse flow characteristics of Sand Creek and Medano Creek that are integral to the existence of the dunes system;

(B) interact to sustain the unique Great Sand Dunes system beyond the boundaries of the existing National Monument;

(C) are enhanced by the serenity and rural western setting of the area; and

(D) comprise a setting of irreplaceable national significance;

(3) the Great Sand Dunes and adjacent land within the Great Sand Dunes National Monument—

(A) provide extensive opportunities for educational activities, ecological research, and recreational activities; and

(B) are publicly used for hiking, camping, and fishing, and for wilderness value (including solitude);

(4) other public and private land adjacent to the Great Sand Dunes National Monument—

(A) offers additional unique geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources; and

(B) contributes to the protection of—

(i) the sand sheet associated with the dune mass;

(ii) the surface and ground water systems that are necessary to the preservation of the dunes and the adjacent wetland; and

(iii) the wildlife, viewshed, and scenic qualities of the Great Sand Dunes National Monument;

(5) some of the private land described in paragraph (4) contains important portions of the sand dune mass, the associated sand sheet, and unique alpine environments, which would be threatened by future development pressures;

(6) the designation of a Great Sand Dunes National Park, which would encompass the existing Great Sand Dunes National Monument and additional land, would provide—

(A) greater long-term protection of the geological, hydrological, paleontological, scenic, scientific, educational, wildlife, and recreational resources of the area (including the sand sheet associated with the dune mass and the ground water system on which the sand dune and wetland systems depend); and

(B) expanded visitor use opportunities;

(7) land in and adjacent to the Great Sand Dunes National Monument is—

(A) recognized for the culturally diverse nature of the historical settlement of the area;

(B) recognized for offering natural, ecological, wildlife, cultural, scenic, paleontological, wilderness, and recreational resources; and

(C) recognized as being a fragile and irreplaceable ecological system that could be destroyed if not carefully protected; and

(8) preservation of this diversity of resources would ensure the perpetuation of the entire ecosystem for the enjoyment of future generations.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Great Sand Dunes National Park Advisory Council established under section 8(a).

(2) LUIS MARIA BACA GRANT NO. 4.—The term ''Luis Maria Baca Grant No. 4'' means those lands as described in the patent dated February 20, 1900, from the United States to the heirs of Luis Maria Baca recorded in book 86, page 20, of the records of the Clerk and Recorder of Saguache County, Colorado.

(3) MAP.—The term ''map'' means the map entitled ''Great Sand Dunes National Park and Preserve'', numbered 140/80,032 and dated September 19, 2000.

(4) NATIONAL MONUMENT.—The term ''national monument'' means the Great Sand Dunes National Monument, including lands added to the monument pursuant to this Act.

(5) NATIONAL PARK.—The term ''national park'' means the Great Sand Dunes National Park established in section 4.

(6) NATIONAL WILDLIFE REFUGE.—The term ''wildlife refuge'' means the Baca National Wildlife Refuge established in section 6.

(7) PRESERVE.—The term ''preserve'' means the Great Sand Dunes National Preserve established in section 5.

(8) RESOURCES.—The term ''resources'' means the resources described in section 2.

(9) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(10) USES.—The term ''uses'' means the uses described in section 2.

SEC. 4. GREAT SAND DUNES NATIONAL PARK, COLORADO.

(a) ESTABLISHMENT.—When the Secretary determines that sufficient land having a sufficient diversity of resources has been acquired to warrant designation of the land as a national park, the Secretary shall establish the Great Sand Dunes National Park in the State of Colorado, as generally depicted on the map, as a unit of the National Park System. Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) NOTIFICATION.—Until the date on which the national park is established, the Secretary shall annually notify the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives of—

(1) the estimate of the Secretary of the lands necessary to achieve a sufficient diversity of resources to warrant designation of the national park; and

(2) the progress of the Secretary in acquiring the necessary lands.

(d) ABOLISHMENT OF NATIONAL MONUMENT.—(1) On the date of establishment of the national park pursuant to subsection (a), the Great Sand Dunes National Monument shall be abolished, and any funds made available for the purposes of the national monument shall be available for the purposes of the national park.

(2) Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Great Sand Dunes National Monument'' shall be considered a reference to ''Great Sand Dunes National Park''.

(e) TRANSFER OF JURISDICTION.—Administrative jurisdiction is transferred to the National Park Service over any land under the jurisdiction of the Department of the Interior that—

(1) is depicted on the map as being within the boundaries of the national park or the preserve; and

(2) is not under the administrative jurisdiction of the National Park Service on the date of enactment of this Act.

SEC. 5. GREAT SAND DUNES NATIONAL PRESERVE, COLORADO.

(a) ESTABLISHMENT OF GREAT SAND DUNES NATIONAL PRESERVE.—(1) There is hereby established the Great Sand Dunes National Preserve in the State of Colorado, as generally depicted on the map, as a unit of the National Park System.

(2) Administrative jurisdiction of lands and interests therein administered by the Secretary of Agriculture within the boundaries of the preserve is transferred to the Secretary of the Interior, to be administered as part of the preserve. The Secretary of Agriculture shall modify the boundaries of the Rio Grande National Forest to exclude the transferred lands from the forest boundaries.

(3) Any lands within the preserve boundaries which were designated as wilderness prior to the date of enactment of this Act

shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–767; 16 U.S.C. 539i note).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the establishment of the national park and the preserve, the Secretary shall file maps and a legal description of the national park and the preserve with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(2) The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and maps.

(3) The map and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) BOUNDARY SURVEY.—As soon as practicable after the establishment of the national park and preserve and subject to the availability of funds, the Secretary shall complete an official boundary survey.

SEC. 6. BACA NATIONAL WILDLIFE REFUGE, COLORADO.

(a) ESTABLISHMENT.—(1) When the Secretary determines that sufficient land has been acquired to constitute an area that can be efficiently managed as a National Wildlife Refuge, the Secretary shall establish the Baca National Wildlife Refuge, as generally depicted on the map.

(2) Such establishment shall be effective upon publication of a notice of the Secretary's determination in the Federal Register.

(b) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the United States Fish and Wildlife Service.

(c) ADMINISTRATION.—The Secretary shall administer all lands and interests therein acquired within the boundaries of the national wildlife refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and the Act of September 28, 1962 (16 U.S.C. 460k et seq.) (commonly known as the Refuge Recreation Act).

(d) PROTECTION OF WATER RESOURCES.—In administering water resources for the national wildlife refuge, the Secretary shall—

(1) protect and maintain irrigation water rights necessary for the protection of monument, park, preserve, and refuge resources and uses; and

(2) minimize, to the extent consistent with the protection of national wildlife refuge resources, adverse impacts on other water users.

SEC. 7. ADMINISTRATION OF NATIONAL PARK AND PRESERVE.

(a) IN GENERAL.—The Secretary shall administer the national park and the preserve in accordance with—

(1) this Act; and

(2) all laws generally applicable to units of the National Park System, including—

(A) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4) and

(B) the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) GRAZING.—

(1) ACQUIRED STATE OR PRIVATE LAND.—With respect to former State or private land on which grazing is authorized to occur on the date of enactment of this Act and which is acquired for the national monument, or the national park and preserve, or the wildlife refuge, the Secretary, in consultation with the lessee, may permit the continuation of grazing on the land by the lessee at the time of acquisition, subject to applicable law (including regulations).

(2) FEDERAL LAND.—Where grazing is permitted on land that is Federal land as of the date of enactment of this Act and that is located within the boundaries of the national monument or the national park and preserve, the Secretary is authorized to permit the continuation of such grazing activities unless the Secretary determines that grazing would harm the resources or values of the national park or the preserve.

(3) TERMINATION OF LEASES.—Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the national monument or the national park or the preserve.

(c) HUNTING, FISHING, AND TRAPPING.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall permit hunting, fishing, and trapping on land and water within the preserve in accordance with applicable Federal and State laws.

(2) ADMINISTRATIVE EXCEPTIONS.—The Secretary may designate areas where, and establish limited periods when, no hunting, fishing, or trapping shall be permitted under paragraph (1) for reasons of public safety, administration, or compliance with applicable law.

(3) AGENCY AGREEMENT.—Except in an emergency, regulations closing areas within the preserve to hunting, fishing, or trapping under this subsection shall be made in consultation with the appropriate agency of the State of Colorado having responsibility for fish and wildlife administration.

(4) SAVINGS CLAUSE.—Nothing in this Act affects any jurisdiction or responsibility of the State of Colorado with respect to fish and wildlife on Federal land and water covered by this Act.

(d) CLOSED BASIN DIVISION, SAN LUIS VALLEY PROJECT.—Any feature of the Closed Basin Division, San Luis Valley Project, located within the boundaries of the national monument, national park or the national wildlife refuge, including any well, pump, road, easement, pipeline, canal, ditch, power line, power supply facility, or any other project facility, and the operation, maintenance, repair, and replacement of such a feature—

(1) shall not be affected by this Act; and

(2) shall continue to be the responsibility of, and be operated by, the Bureau of Reclamation in accordance with title I of the Reclamation Project Authorization Act of 1972 (43 U.S.C. 615aaa et seq.).

(e) WITHDRAWAL—(1) On the date of enactment of this Act, subject to valid existing rights, all Federal land depicted on the map as being located within Zone A, or within the boundaries of the national monument, the national park or the preserve is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

(2) The provisions of this subsection also shall apply to any lands—

(A) acquired under this Act; or

(B) transferred from any Federal agency after the date of enactment of this Act for the national monument, the national park or preserve, or the national wildlife refuge.

(f) WILDNERNESS PROTECTION.—(1) Nothing in this Act alters the Wilderness designation of any land within the national monument, the national park, or the preserve.

(2) All areas designated as Wilderness that are transferred to the administrative jurisdiction of the National Park Service shall remain subject to the Wilderness Act (16 U.S.C. 1131 et seq.) and the Colorado Wilderness Act of 1993 (Public Law 103–77; 16 U.S.C. 539i note). If any part of this Act conflicts with the provisions of the Wilderness Act or the Colorado Wilderness Act of 1993 with respect to the wilderness areas within the preserve boundaries, the provisions of those Acts shall control.

SEC. 8. ACQUISITION OF PROPERTY AND BOUNDARY ADJUSTMENTS

(a) ACQUISITION AUTHORITY.—(1) Within the area depicted on the map as the ''Acquisition Area'' or the national monument, the Secretary may acquire lands and interests therein by purchase, donation, transfer from another Federal agency, or exchange: *Provided,* That lands or interests therein may only be acquired with the consent of the owner thereof.

(2) Lands or interests therein owned by the State of Colorado, or a political subdivision thereof, may only be acquired by donation or exchange.

(b) BOUNDARY ADJUSTMENT.—As soon as practicable after the acquisition of any land or interest under this section, the Secretary shall modify the boundary of the unit to which the land is transferred pursuant to subsection (b) to include any land or interest acquired.

(c) ADMINISTRATION OF ACQUIRED LANDS.—

(1) GENERAL AUTHORITY.—Upon acquisition of lands under subsection (a), the Secretary shall, as appropriate—

(A) transfer administrative jurisdiction of the lands of the National Park Service—

(i) for addition to and management as part of the Great Sand Dunes National Monument, or

(ii) for addition to and management as part of the Great Sand Dunes National Park (after designation of the Park) or the Great Sand Dunes National Preserve; or

(B) transfer administrative jurisdiction of the lands to the United States Fish and Wildlife Service for addition to and administration as part of the Baca National Wildlife Refuge.

(2) FOREST SERVICE ADMINISTRATION.—(A) Any lands acquired within the area depicted on the map as being located within Zone B shall be transferred to the Secretary of Agriculture and shall be added to and managed as part of the Rio Grande National Forest.

(B) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Rio Grande National Forest, as revised by the transfer of land under paragraph (A), shall be considered to be the boundaries of the national forest.

SEC. 9. WATER RIGHTS.

(a) SAN LUIS VALLEY PROTECTION, COLORADO.—Section 1501(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4663) is amended by striking paragraph (3) and inserting the following:

''(3) adversely affect the purposes of—

''(A) the Great Sand Dunes National Monument;

''(B) the Great Sands Dunes National Park (including purposes relating to all water, water rights, and water-dependent resources within the park);

''(C) the Great Sand Dunes National Preserve (including purposes relating to all water, water rights, and water-dependent resources within the preserve);

''(D) the Baca National Wildlife Refuge (including purposes relating to all water, water rights, and water-dependent resources within the national wildlife refuge); and

''(E) any Federal land adjacent to any area described in subparagraph (A), (B), (C), or (D).''.

(b) EFFECT ON WATER RIGHTS.—

(1) IN GENERAL.—Subject to the amendment made by subsection (a), nothing in this Act affects—

(A) the use, allocation, ownership, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right;

(B) any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) any interstate water compact in existence on the date of enactment of this Act; or

(D) subject to the provisions of paragraph (2), State jurisdiction over any water law.

(2) WATER RIGHTS FOR NATIONAL PARK AND NATIONAL PRESERVE.—In carrying out this Act, the Secretary shall obtain and exercise any water rights required to fulfill the purposes of the national park and the national preserve in accordance with the following provisions:

(A) Such water rights shall be appropriated, adjudicated, changed, and administered pursuant to the procedural requirements and priority system of the laws of the State of Colorado.

(B) The purposes and other substantive characteristics of such water rights shall be established pursuant to State law, except that the Secretary is specifically authorized to appropriate water under this Act exclusively for the purpose of maintaining ground water levels, surface water levels, and stream flows on, across, and under the national park and national preserve, in order to accomplish the purposes of the national park and the national preserve and to protect park resources and park uses.

(C) Such water rights shall be established and used without interfering with—

(i) any exercise of a water right in existence on the date of enactment of this Act for a non-Federal purpose in the San Luis Valley, Colorado; and

(ii) the Closed Basin Division, San Luis Valley Project.

(D) Except as provided in subsections (c) and (d), no Federal reservation of water may be claimed or established for the national park or the national preserve.

(c) NATIONAL FOREST WATER RIGHTS.—To the extent that a water right is established or acquired by the United States for the Rio Grande National Forest, the water right shall—

(1) be considered to be of equal use and value for the national preserve; and

(2) retain its priority and purpose when included in the national preserve.

(d) NATIONAL MONUMENT WATER RIGHTS.—To the extent that a water right has been established or acquired by the United States for the Great Sand Dunes National Monument, the water right shall—

(1) be considered to be of equal use and value for the national park; and

(2) retain its priority and purpose when included in the national park.

(e) ACQUIRED WATER RIGHTS AND WATER RESOURCES.—

(1) IN GENERAL.—(A) If, and to the extent that, the Luis Maria Baca Grant No. 4 is acquired, all water rights and water resources associated with the Luis Maria Baca Grant No. 4 shall be restricted for use only within—

(i) the national park;

(ii) the preserve;

(iii) the national wildlife refuge; or

(iv) the immediately surrounding areas of Alamosa or Saguache Counties, Colorado.

(B) USE.—Except as provided in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LC, and Baca Grande Water and Sanitation District, dated August 28, 1997, water rights and water resources described in subparagraph (A) shall be restricted for use in—

(i) the protection of resources and values for the national monument, the national park, the preserve, or the wildlife refuge;

(ii) fish and wildlife management and protection; or

(iii) irrigation necessary to protect water resources.

(2) STATE AUTHORITY.—If, and to the extent that, water rights associated with the Luis Maria Baca Grant No. 4 are acquired, the use of those water rights shall be changed only in accordance with the laws of the State of Colorado.

(f) DISPOSAL.—The Secretary is authorized to sell the water resources and related appurtenances and fixtures as the Secretary deems necessary to obtain the termination of obligations specified in the memorandum of water service agreement and the water service agreement between the Cabeza de Vaca Land and Cattle Company, LLC and the Baca Grande Water and Sanitation District, dated August 28, 1997. Prior to the sale, the Secretary shall determine that the sale is not detrimental to the protection of the resources of Great Sand Dunes National Monument, Great Sand Dunes National Park, and Great Sand Dunes National Preserve, and the Baca National Wildlife Refuge, and that appropriate measures to provide for such protection are included in the sale.

SEC. 10. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory council to be known as the ''Great Sand Dunes National Park Advisory Council''.

(b) DUTIES.—The Advisory Council shall advise the Secretary with respect to the preparation and implementation of a management plan for the national park and the preserve.

(c) MEMBERS.—The Advisory Council shall consist of 10 members, to be appointed by the Secretary, as follows:

(1) One member of, or nominated by, the Alamosa County Commission.

(2) One member of, or nominated by, the Saguache County Commission.

(3) One member of, or nominated by, the Friends of the Dunes Organization.

(4) Four members residing in, or within reasonable proximity to, the San Luis Valley and 3 of the general public, all of whom have recognized backgrounds reflecting—

(A) the purposes for which the national park and the preserve are established; and

(B) the interests of persons that will be affected by the planning and management of the national park and the preserve.

(d) APPLICABLE LAW.—The Advisory Council shall function in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) and other applicable laws.

(e) VACANCY.—A vacancy on the Advisory Council shall be filled in the same manner as the original appointment.

(f) CHAIRPERSON.—The Advisory Council shall elect a chairperson and shall establish such rules and procedures as it deems necessary or desirable.

(g) NO COMPENSATION.—Members of the Advisory Council shall serve without compensation.

(h) TERMINATION.—The Advisory Council shall terminate upon the completion of the management plan for the national park and preserve.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

THE CALENDAR

Mr. HAGEL. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration en bloc of the following reported by the Governmental Affairs Committee: Calendar No. 864, H.R. 2302; Calendar No. 865, H.R. 3030; Calendar No. 866, H.R. 3454; Calendar No. 867, H.R. 3909; Calendar No. 868, H.R. 3985; Calendar No. 869, H.R. 4157; Calendar No. 870, H.R. 4169; Calendar No. 871, H.R. 4447; Calendar No. 872, H.R. 4448; Calendar No. 873, H.R. 4534; Calendar No. 874, H.R. 4449; Calendar No. 875, H.R. 4484; Calendar No. 876, H.R. 4517; Calendar No. 877, H.R. 4554; Calendar No. 878, H.R. 4615; Calendar No. 879, H.R. 4658; Calendar No. 880, H.R. 4884; Calendar No. 881, S. 2804.

Mr. President, I ask unanimous consent the bills be read a third time and passed, the motions to reconsider be laid upon the table, and any statements relating to any of these bills be printed, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

JAMES W. MCCABE, SR. POST OFFICE BUILDING

A bill (H.R. 2302) to designate the building located at 307 Main Street in Johnson City, New York as the ''James W. McCabe, Sr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

MATTHEW F. MCHUGH POST OFFICE

A bill (H.R. 3030) to designate the building located at 757 Warren Road in Ithaca, New York as the ''Matthew F. McHugh Post Office'' was considered, ordered to a third reading, read the third time, and passed.

HENRY MCNEAL TURNER POST OFFICE

A bill (H.R. 3454) to designate the building located at 451 College Street in Macon, Georgia, as the ''Henry McNeal Turner Post Office'' was considered, ordered to a third reading, read the third time, and passed.

HENRY W. MCGEE POST OFFICE BUILDING

A bill (H.R. 3903) to designate the building located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

VICKI COCEANO POST OFFICE BUILDING

A bill (H.R. 3985) to designate the building located at 14900 Southwest 30th Street in Miramar, Florida, as the

''Vicki Coceano Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

MATTHEW ''MACK'' ROBINSON POST OFFICE BUILDING

A bill (H.R. 4157) to designate the building located at 600 Lincoln Avenue in Pasadena, California, as the ''Matthew ''Mack'' Robinson Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

BARBARA F. VUCANOVICH POST OFFICE BUILDING

A bill (H.R. 4169) to designate the building located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

SAMUEL H. LACY, SR. POST OFFICE BUILDING

A bill (H.R. 4447) to designate the building located at 919 West 34th Street in Baltimore, Maryland as the ''Samuel H. Lacy, Sr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JUDGE ROBERT BERNARD WATTS, SR. POST OFFICE BUILDING

A bill (H.R. 4448) to designate the building located at 3500 Dolfield Avenue in Baltimore, Maryland as the ''Judge Robert Bernard Watts, Sr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JAMES T. BROYHILL POST OFFICE BUILDING

A bill (H.R. 4534) to designate the building located at 114 Ridge Street in Lenoir, North Carolina, as the ''James T. Broyhill Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

DR. FLOSSIE McCLAIN DEDMOND POST OFFICE BUILDING

A bill (H.R. 4449) to designate the building located at 1908 North Ellamont Street in Baltimore, Maryland as the ''Dr. Flossie McClain Dedmond Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

EVERETT ALVAREZ, JR. POST OFFICE BUILDING

A bill (H.R. 4484) to designate the building located at 500 North Washington Street in Rockville, Maryland as the ''Everett Alvarez, Jr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

ALAN B. SHEPARD, JR. POST OFFICE BUILDING

A bill (H.R. 4517) to designate the building located at 24 Tsienneto Road in Derry, New Hampshire as the ''Alan B. Shepard, Jr. Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JOSEPH F. SMITH POST OFFICE BUILDING

A bill (H.R. 4554) to designate the building located at 1602 Frankford Avenue in Philadelphia, Pennsylvania as the ''Joseph F. Smith Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

REVEREND J.C. WADE POST OFFICE

A bill (H.R. 4615) to designate the building located at 3030 Meredith Avenue in Omaha, Nebraska as the ''Reverend J.C. Wade Post Office'' was considered, ordered to a third reading, read the third time, and passed.

J.L. DAWKINS POST OFFICE BUILDING

A bill (H.R. 4658) to designate the building located at 301 Green Street in Fayetteville, North Carolina as the ''J.L. Dawkins Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

WILLIAM S. BROOMFIELD POST OFFICE BUILDING

A bill (H.R. 4884) to designate the building located at 200 West 2nd Street in Royal Oak, Michigan as the ''William S. Broomfield Post Office Building'' was considered, ordered to a third reading, read the third time, and passed.

JOHN BRADEMAS POST OFFICE

A bill (S. 2804) to designate the building located at 424 South Michigan Street in South Bend, Indiana as the ''John Brademas Post Office'' was considered, ordered to a third reading, read the third time, and passed, as follows:

S. 2804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF JOHN BRADEMAS POST OFFICE.

(a) IN GENERAL.—The facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, shall be known and designated as the ''John Brademas Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John Brademas Post Office''.

FRANK R. LAUTENBERG POST OFFICE AND COURTHOUSE

Mr. HAGEL. I ask unanimous consent the Senate proceed to the consideration of H.R. 4975, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4975) to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the ''Frank R. LAUTENBERG Post Office and Courthouse''.

Without objection, the Senate proceeded to consider the bill.

Mr. HAGEL. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4975) was read the third time and passed.

JOHN BRADEMAS POST OFFICE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2938 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2938) to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the ''John Brademas Post Office.''

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2938) was read the third time and passed.

COUNTY SCHOOLS FUNDING REVITALIZATION ACT OF 1999

Mr. HAGEL. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2389 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4302

Mr. HAGEL. Mr. President, Senators WYDEN and CRAIG have a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. HAGEL], for Mr. WYDEN, for himself and Mr. CRAIG, proposes an amendment numbered 4302.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. HAGEL. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4302) was agreed to.

The bill (H.R. 2389), as amended, was read the third time and passed.

REDUCED RATE MAIL

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 917, S. 2686.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2686) to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2686) was read the third time and passed, as follows:

S. 2686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RATEMAKING PROVISIONS.

(a) ESTABLISHMENT OF REGULAR RATES FOR MAIL CLASSES WITH CERTAIN PREFERRED SUBCLASSES.—Section 3622 of title 39, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) Regular rates for each class or subclass of mail that includes 1 or more special rate categories for mail under former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title shall be established by applying the policies of this title, including the factors of section 3622(b) of this title, to the costs attributable to the regular rate mail in each class or subclass combined with the mail in the corresponding special rate categories authorized by former section 4358 (d) or (e), 4452 (b) or (c), or 4554 (b) or (c) of this title.''.

(b) RESIDUAL RULE FOR PREFERRED PERIODICAL MAIL.—Section 3626(a)(3)(A) of title 39, United States Code, is amended to read as follows:

''(3)(A) Except as provided in paragraph (4) or (5), rates of postage for a class of mail or kind of mailer under former section 4358 of this title shall be established in a manner such that the estimated revenues to be received by the Postal Service from such class of mail or kind of mailer shall be equal to the sum of—

''(i) the estimated costs attributable to such class of mail or kind of mailer; and

''(ii) the product derived by multiplying the estimated costs referred to in clause (i) by the applicable percentage under subparagraph (B).''.

(c) SPECIAL RULE FOR NONPROFIT AND CLASSROOM PERIODICALS.—Section 3626(a)(4) of title 39, United States Code, is amended to read as follows:

''(4)(A) Except as specified in subparagraph (B), rates of postage for a class of mail or kind of mailer under former section 4358 (d) or (e) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate category mailing.

''(B) With respect to the postage for the advertising pound portion of any mail matter under former section 4358 (d) or (e) of this title, the 5-percent discount specified in subparagraph (A) shall not apply if the advertising portion exceeds 10 percent of the publication involved.''.

(d) SPECIAL RULE FOR NONPROFIT STANDARD (A) MAIL.—Section 3626(a) of title 39, United States Code, is amended by adding at the end the following:

''(6) The rates for mail matter under former sections 4452 (b) and (c) of this title shall be established as follows:

''(A) The estimated average revenue per piece to be received by the Postal Service from each subclass of mail under former sections 4452 (b) and (c) of this title shall be equal, as nearly as practicable, to 60 percent of the estimated average revenue per piece to be received from the most closely corresponding regular-rate subclass of mail.

''(B) For purposes of subparagraph (A), the estimated average revenue per piece of each regular-rate subclass shall be calculated on the basis of expected volumes and mix of mail for such subclass at current rates in the test year of the proceeding.

''(C) Rate differentials within each subclass of mail matter under former sections 4452 (b) and (c) shall reflect the policies of this title, including the factors set forth in section 3622(b) of this title.''.

(e) SPECIAL RULE FOR LIBRARY AND EDUCATIONAL MATTER.—Section 3626(a) of title 39, United States Code, as amended by subsection (d) of this section, is amended by adding at the end the following:

''(7) The rates for mail matter under former sections 4554 (b) and (c) of this title shall be established so that postage on each mailing of such mail shall be as nearly as practicable 5 percent lower than the postage for a corresponding regular-rate mailing.''.

SEC. 2. TRANSITIONAL AND TECHNICAL PROVISIONS.

(a) TRANSITIONAL PROVISION FOR NONPROFIT STANDARD (A) MAIL.—In any proceeding in which rates are to be established under chapter 36 of title 39, United States Code, for mail matter under former sections 4452 (b) and (c) of that title, pending as of the date of enactment of section 1 of this Act, the estimated reduction in postal revenue from such mail matter caused by the enactment of section 3626(a)(6)(A) of that title, if any, shall be treated as a reasonably assignable cost of the Postal Service under section 3622(b)(3) of that title.

(b) TECHNICAL AMENDMENT.—Section 3626(a)(1) of title 39, United States Code, is amended by striking ''4454(b), or 4454(c)'' and inserting ''4554(b), or 4554(c)''.

DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 918, S. 3062.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3062) to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3062) was read the third time and passed, as follows:

S. 3062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRICT OF COLUMBIA PERFORMANCE ACCOUNTABILITY PLAN.

Section 456 of the District of Columbia Home Rule Act (section 47–231 et seq. of the District of Columbia Code) is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking ''Not later than March 1 of each year (beginning with 1998)'' and inserting ''Concurrent with the submission of the District of Columbia budget to Congress each year (beginning with 2001)''; and

(B) in paragraph (2)(A) by striking ''that describe an acceptable level of performance by the government and a superior level of performance by the government''; and

(2) in subsection (b)—

(A) in paragraph (1) by striking ''1999'' and inserting ''2001''; and

(B) in paragraph (2)(A) by striking ''for an acceptable level of performance by the government and a superior level of performance by the government''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations reported by the Armed Services Committee, Nos. 717 through 755, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action,

and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John D. Hopper, Jr., 0000

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Grig. Gen. Paul W. Essex, 0000

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John H. Campbell, 0000

IN THE ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lloyd J. Austin III, 0000
Col. Vincent E. Boles, 0000
Col. Gary L. Border, 0000
Col. Thomas P. Bostick, 0000
Col. Howard B. Bromberg, 0000
Col. James A. Coggin, 0000
Col. Michael L. Combest, 0000
Col. William C. David, 0000
Col. Martin E. Dempsey, 0000
Col. Joseph F. Fil, Jr., 0000
Col. Benjamin C. Freakley, 0000
Col. John D. Gardner, 0000
Col. Brian I. Geehan, 0000
Col. Richard V. Geraci, 0000
Col. Gary L. Harrell, 0000
Col. Janet E. A. Hicks, 0000
Col. Jay W. Hood, 0000
Col. Kenneth W. Hunzeker, 0000
Col. Charles H. Jacoby, Jr., 0000
Col. Gary M. Jones, 0000
Col. Jason K. Kamiya, 0000
Col. James A. Kelley, 0000
Col. Ricky Lynch, 0000
Col. Bernardo C. Negrete, 0000
Col. Patricia L. Nilo, 0000
Col. F. Joseph Prasek, 0000
Col. David C. Ralston, 0000
Col. Don T. Riley, 0000
Col. David M. Rodriguez, 0000
Col. Donald F. Schenk, 0000
Col. Steven P. Schook, 0000
Col. Gratton O. Sealock II, 0000
Col. Stephen M. Seay, 0000
Col. Jeffrey A. Sorenson, 0000
Col. Guy C. Swan III, 0000
Col. David P. Valcourt, 0000
Col. Robert M. Williams, 0000
Col. W. Montague Winfield, 0000
Col. Richard P. Zahner, 0000

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., Section 624:

To be major general

Brig. Gen. Lawrence R. Adair, 0000
Brig. Gen. Buford C. Blount III, 0000
Brig. Gen. Steven W. Boutelle, 0000
Brig. Gen. James D. Bryan, 0000
Brig. Gen. Eddie Cain, 0000
Brig. Gen. John P. Cavanaugh, 0000
Brig. Gen. Bantz J. Craddock, 0000
Brig. Gen. Keith W. Dayton, 0000
Brig. Gen. Kathryn G. Frost, 0000
Brig. Gen. Larry D. Gottardi, 0000
Brig. Gen. Stanley E. Green, 0000
Brig. Gen. Criag D. Hackett, 0000
Brig. Gen. Franklin L. Hagenbeck, 0000
Brig. Gen. Hubert L. Hartsell, 0000
Brig. Gen. George A. Higgins, 0000
Brig. Gen. William J. Leszczynski, 0000
Brig. Gen. Michael D. Maples, 0000
Brig. Gen. Thomas F. Metz, 0000
Brig. Gen. Daniel G. Mongeon, 0000
Brig. Gen. William E. Mortensen, 0000
Brig. Gen. Eric T. Olson, 0000
Brig. Gen. Richard J. Quirk III, 0000
Brig. Gen. Ricardo S. Sanchez, 0000
Brig. Gen. Gary D. Speer, 0000
Brig. Gen. Mitchell H. Stevenson, 0000
Brig. Gen. Charles H. Swannack, Jr., 0000
Brig. Gen. Terry L. Tucker, 0000
Brig. Gen. John R. Wood, 0000

The following named officer for appointment as the Chief of Engineers, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 3036:

To be lieutenant general

Maj. Gen. Robert B. Flowers, 0000

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Charles S. Mahan, Jr., 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. H. Steven Blum, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William T. Nesbitt, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David P. Rataczak, 0000

To be brigadier general

Col. George J. Robinson, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. George F. Bowman, 0000
Brig. Gen. Lloyd D. Burtch, 0000
Brig. Gen. Alfonsa Gilley, 0000
Brig. Gen. James R. Helmly, 0000
Brig. Gen. Dennis E. Klein, 0000

To be brigadier general

Col. James A. Cheatham, 0000
Col. George R. Fay, 0000
Col. Charles E. Gorton, 0000
Col. John H. Kern, 0000
Col. Charles E. McCartney, 0000
Col. Jack S. Stultz, Jr., 0000
Col. Stephen D. Tom, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Bradford C. Brightman, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10 U.S.C., section 12203:

To be major general

Brig. Gen. H. Douglas Robertson, 0000

To be major general

Brig. Gen. Willie A. Alexander, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10 U.S.C., section 12203:

To be brigadier general

Col. Carole A. Briscoe, 0000

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. David J. Kaucheck, 0000

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Daniel F. Perugini, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. John E. Stevens, 0000

To be brigadier general

Col. Rick Baccus, 0000
Col. Abner C. Blalock, Jr., 0000
Col. John M. Braun, 0000
Brig. Gen. George A. Buskirk, Jr., 0000
Col. James R. Carpenter, 0000
Col. Craig N. Christensen, 0000
Col. Paul D. Costilow, 0000
Col. James P. Daley, 0000
Col. Charles E. Gibson, 0000
Col. Michael A. Gorman, 0000
Col. John F. Holechek, Jr., 0000
Col. Mitchell R. LeClaire, 0000
Col. Richard G. Maxon, 0000
Col. Gary A. Pappas, 0000
Col. Donald H. Polk, 0000
Col. Robley S. Rigdon, 0000
Col. Charles T. Robbs, 0000
Col. Bruce D. Schrimpf, 0000
Col. Thomas J. Sullivan, 0000
Col. Brian L. Tarbet, 0000
Col. Gordon D. Toney, 0000
Col. Antonio J. Vicens-Gonzalez, 0000
Col. William L. Waller, Jr., 0000
Col. Charles R. Webb, 0000
Col. William D. Wofford, 0000
Col. Kenneth F. Wondrack, 0000
Col. Ronald D. Young, 0000

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. William J. Davies, 0000
Brig. Gen. George T. Garrett, 0000
Brig. Gen. Dennis A. Kamimura, 0000
Brig. Gen. Bruce M. Lawlor, 0000
Brig. Gen. Timothy E. Neel, 0000
Brig. Gen. Larry W. Shellito, 0000
Brig. Gen. Darwin H. Simpson, 0000
Brig. Gen. Edwin H. Wright, 0000

To be brigadier general

Col. George A. Alexander, 0000
Col. Terry F. Barker, 0000
Col. John P. Basilica, Jr., 0000
Col. Wesley E. Craig, Jr., 0000
Col. James J. Dougherty, Jr., 0000
Col. Ronald B. Kalkofen, 0000
Col. Edward G. Klein, 0000
Col. Thomas P. Luczynski, 0000
Col. James R. Mason, 0000
Col. Glen I. Sakagawa, 0000
Col. Joseph J. Taluto, 0000

Col. Thomas S. Walker, 0000
Col. George W. Wilson, 0000
Col. Ireneusz J. Zembrzuski, 0000

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Herbert L. Altshuler, 0000
Brig. Gen. Richard E. Coleman, 0000
Brig. Gen. B. Sue Dueitt, 0000
Brig. Gen. Michael R. Mayo, 0000
Brig. Gen. Robert S. Silverthorn, Jr., 0000
Brig. Gen. Charles E. Wilson, 0000

To be brigadier general

Col. Michael G. Corrigan, 0000
Col. John R. Hawkins III, 0000
Col. Gregory J. Hunt, 0000
Col. Michael K. Jelinsky, 0000
Col. Robert R. Jordan, 0000
Col. David E. Kratzer, 0000
Col. Michael A. Kuehr, 0000
Col. Bruce D. Moore, 0000
Col. Conrad W. Ponder, Jr., 0000
Col. Jerry W. Reshetar, 0000
Col. Bruce E. Robinson, 0000
Col. James R. Sholar, 0000
Col. Edwin E. Spain, 0000
Col. Stephen B. Thompson, 0000
Col. George W. Wells, Jr., 0000

The following named officers for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Kevin P. Byrnes, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Kerry G. Denson, 0000

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. William W. Goodwin, 0000

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Jack A. Davis, 0000

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. James R. Battaglini, 0000
Brig. Gen. James E. Cartwright, 0000
Brig. Gen. Christopher Cortez, 0000
Brig. Gen. Gary H. Hughey, 0000
Brig. Gen. Thomas S. Jones, 0000
Brig. Gen. Richard L. Kelly, 0000
Brig. Gen. John F. Sattler, 0000
Brig. Gen. William A. Whitlow, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John F. Goodman, 0000

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Thomas A. Benes, 0000
Col. Christian B. Cowdrey, 0000
Col. Michael E. Ennis, 0000
Col. Walter E. Gaskin, Sr., 0000
Col. Michael R. Lehnert, 0000
Col. Joseph J. McMenamin, 0000
Col. Duane D. Thiessen, 0000
Col. George J. Trautman III, 0000
Col. Willie J. Williams, 0000
Col. Richard C. Zilmer, 0000

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Andrew B. Davis, 0000
Col. Harold J. Fruchtnicht, 0000

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Gregory S. Newbold, 0000

IN THE NAVY

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John G. Cotton, 0000
Rear Adm. (lh) Henry F. White, Jr., 0000

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. William V. Alford, 0000
Capt. John P. Debbout, 0000
Capt. Roger T. Nolan, 0000
Capt. Stephen S. Oswald, 0000
Capt. Robert O. Passmore, 0000
Capt. Gregory J. Slavonic, 0000

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Michael R. Johnson, 0000
Rear Adm. (lh) Charles R. Kubic, 0000

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Rodrigo C. Melendez, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Richard W. Mayo, 0000

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

To be admiral

Vice Adm. William J. Fallon, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Toney M. Bucchi, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Timothy J. Keating, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Martin J. Mayer, 0000

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Dennis V. McGinn, 0000

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1166 Air Force nominations (9) beginning Donna L. Kennedy, and ending Michael D. Prazak, which nominations were received by the Senate and appeared in the Congressional Record on July 25, 2000.

PN1167 Air Force nominations (106) beginning Franklin C. Albright, and ending Lewis F. Wolf, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1209 Air Force nomination of Warren S. Silberman, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1243 Air Force nomination of James C. Seaman, which was received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1288 Air Force nominations (680) beginning George M. Abernathy, and ending Richard M. Zink, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2000.

PN1330 Air Force nominations (2) beginning Douglas N. Barlow, and ending Gregory E. Seely, which nominations were received by the Senate and appeared in the Congressional Record of September 28, 2000.

PN1337 Air Force nominations (2) beginning John B. Stetson, and ending Christine E. Tholen, which nominations were received by the Senate and appeared in the Congressional Record of October 2, 2000.

IN THE ARMY

PN1135 Army nominations (28) beginning John W. Alexander, Jr. and ending Donald L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of July 10, 2000.

PN1168 Army nominations (158) beginning Bruce D. Adams, and ending Vikram P. Zadoo, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1196 Army nominations (1314) beginning Daniel G. Aaron, and ending X2457, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1210 Army nomination of Merritt M. Smith, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1211 Army nominations (4) beginning James M. Davis, and ending Lanneau H. Siegling, which nominations were received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1212 Army nomination of John Espinosa, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1222 Army nomination of Albert L. Lewis, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1223 Army nominations (2) beginning Philip C. Caccese, and ending Donald E. McLean, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1224 Army nominations (3) beginning Richard W.J. Cacini, and ending Carlos A. Trejo, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1225 Army nominations (4) beginning Melvin Lawrence Kaplan, and ending George Raymond Ripplinger, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1226 Army nomination of *Michael Walker, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1244 Army nominations (13) beginning Eddie L. Cole, and ending Christopher A. White, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1245 Army nominations (19) beginning Jeanne J. Blaes, and ending Janelle S. Weyn, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1246 Army nominations (43) beginning *Patrick N. Bailey, and ending *Jeffrey L. Zust, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1247 Army nominations (1747) beginning Timothy F. Abbott, and ending *X4076, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

IN THE MARINE CORPS

PN1197 Marine Corps nominations (73) beginning Jack G. Abate, and ending Jeffrey G. Young, which nominations were received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1227 Marine Corps nomination of Gerald A. Cummings, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1259 Marine Corps nomination of David L. Ladouceur, which was received by the Senate and appeared in the Congressional Record of September 13, 2000.

IN THE NAVY

PN1040 Navy nomination of Bradley S. Russell, which was received by the Senate and appeared in the Congressional Record of May 11, 2000.

PN1169 Navy nomination of Douglas M. Larratt, which was received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1170 Navy nominations (11) beginning Felix R. Tormes, and ending Christopher F. Beaubien, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1171 Navy nominations (387) beginning Ava C. Abney, and ending Michael E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2000.

PN1188 Navy nominations (217) beginning William B. Acker III, and ending John Zarem, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 2000.

PN1198 Navy nomination of Keith R. Belau, which was received by the Senate and appeared in the Congressional Record of July 27, 2000.

PN1213 Navy nomination of Randall J. Bigelow, which was received by the Senate and appeared in the Congressional Record of September 6, 2000.

PN1228 Navy nomination of Robert G. Butler, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1229 Navy nomination of Vito W. Jimenez, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1230 Navy nomination of Michael P. Tillotson, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1231 Navy nomination of Michael W. Altiser, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1232 Navy nomination of Melvin J. Hendricks, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1233 Navy nomination of Glenn A. Jett, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1234 Navy nomination of Joseph T. Mahachek, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1235 Navy nomination of Robert J. Werner, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1236 Navy nomination of Marian L. Celli, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1237 Navy nomination of Stephen M. Trafton, which was received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1248 Navy nominations (821) beginning Eric M. Aaby, and ending Anthony E. Zerangue, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1249 Navy nominations (1446) beginning William S. Abrams II, and ending Michael Ziv, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 2000.

PN1260 Navy nomination of Jeffrey N. Rocker, which was received by the Senate and appeared in the Congressional Record of September 13, 2000.

PN1261 Navy nominations (224) beginning Jerry C. Mazanowski, and ending Douglas S. Velvel, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 2000.

PN1289 Navy nominations (32) beginning Michael W. Bastian, and ending Steven C. Wurgler, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2000.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, OCTOBER 10, 2000

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 2 p.m. on Tuesday, October 10. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period of morning business for up to 2 hours, with the time controlled in the following fashion: the first hour under the control of Senator DURBIN or his designee, with 30 minutes under the control of Senator GRAHAM of Florida; the second hour under the control of Senator THOMAS or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HAGEL. Mr. President, for the information of all Senators, the Senate will be in session on Tuesday for morning business and possible consideration of an appropriations conference report. On Wednesday, there will be up to 7 hours of debate on the conference report to accompany trafficking victims. Senator THOMPSON will make the point of order against the report and a vote is expected relative to appealing the ruling of the Chair and adoption of the conference report, both of which will occur late afternoon on Wednesday.

The Senator from Virginia is recognized.

EXPRESSING THE SENSE OF THE CONGRESS ON THE NEED FOR CONSTRUCTION OF THE WORLD WAR II MEMORIAL ON THE CAPITAL MALL

Mr. WARNER. Mr. President, on behalf of myself, Mr. INOUYE, Mr. STEVENS, and Mr. THURMOND, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 145) expressing the sense of Congress on the propriety and need for expeditious construction of the National World War II Memorial at the Rainbow Pool on the National Mall in the Nation's Capital.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WARNER. Mr. President, our former distinguished majority leader, Mr. Dole, has headed up, together with others, an effort across America, and indeed from abroad, to raise the funds and otherwise provide for a memorial to be erected in the Nation's Capital in memory of those who served in World War II, and indeed those who were not in uniform but here on the homefront who, in every other respect, supported that heroic effort during that period from the day beginning December 7, 1941, to and including the surrender of Japan in August of 1945.

Mr. President, as we all know, World War II was the defining event of the 20th century for the United States and its wartime allies with more than 16,000,000 American men and women serving in uniform in the Armed Forces. Over 400,000 Americans gave their lives for our nation and more than 600,000 were wounded. In addition, countless Americans back home in the

United States organized and sacrificed to give their unwavering support to those in uniform.

Today, there are less than 6,000,000 surviving World War II veterans and we mourn the passing of greater than 1,200 veterans each day.

Mr. President, this is why the construction of the National World War II Memorial must follow an expeditious and critical path to completion. In 1994, legislation was enacted which approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool.

Since July 1995, the National World War II Memorial site and design have been subject to 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, and most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission. In July of this year, the Commission of Fine Arts approved the design of the memorial followed by final architectural design approval by the National Capital Planning Commission on September 21, 2000.

Mr. President, it is my feeling that construction of this magnificent memorial, which has received a thorough review and given final approval by all jurisdictional authorities, should begin without delay. It is imperative that this fitting tribute to those brave and patriotic Americans be completed and dedicated while surviving veterans are still alive.

I ask my Senate colleagues to support this resolution and allow our World War II veterans, veterans of the most devastating war the world has known, to see and be a part of the memorial they so fiercely deserve.

Mr. President, I sought to get the cosponsorship of all those in this body who served in World War II. The ability to do this, time-wise, precluded that, but I am certain that almost all would have joined. Therefore, it is a particular privilege for me to submit this to the Senate. Congressman STUMP will introduce the identical measure in the House of Representatives.

Mr. President, I ask that we take action on this resolution.

The PRESIDING OFFICER. Is there further debate on the concurrent resolution?

The concurrent resolution (S. Con. Res. 145) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 145

Whereas World War II is the defining event of the twentieth century for the United States and its wartime allies;

Whereas in World War II, more than 16,000,000 American men and women served in uniform in the Armed Forces, more than 400,000 of them gave their lives, and more than 670,000 of them were wounded;

Whereas many millions more on the home front in the United States organized and sacrificed to give unwavering support to those in uniform;

Whereas fewer than 6,000,000 World War II veterans are surviving at the end of the twentieth century, and the Nation mourns the passing of more than 1,200 veterans each day;

Whereas Congress, in Public Law 103–422 (108 Stat. 4356) enacted in 1994, approved the location of a memorial to this epic era in an area of the National Mall that includes the Rainbow Pool;

Whereas since 1995, the National World War II Memorial site and design have been the subject of 19 public hearings that have resulted in an endorsement from the State Historic Preservation Officer of the District of Columbia, three endorsements from the District of Columbia Historic Preservation Review Board, the endorsement of many Members of Congress, and, most significantly, four approvals from the Commission of Fine Arts and four approvals from the National Capital Planning Commission (including the approvals of those Commissions for the final architectural design);

Whereas on Veterans Day 1995, the President dedicated the approved site at the Rainbow Pool on the National Mall as the site for the National World War II Memorial; and

Whereas fundraising for the National World War II Memorial has been enormously successful, garnering enthusiastic support from half a million individual Americans, hundreds of corporations and foundations, dozens of civic, fraternal, and professional organizations, state legislatures, students in 1,100 schools, and more than 450 veterans groups representing 11,000,000 veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) it is appropriate for the United States to memorialize in the Nation's Capitol the triumph of democracy over tyranny in World War II, the most important event of the twentieth century;

(2) the will of the American people to memorialize that triumph and all who labored to achieve it, and the decisions made on that memorialization by the appointed bodies charged by law with protecting the public's interests in the design, location, and construction of memorials on the National Mall in the Nation's Capitol, should be fulfilled by the construction of the National World War II Memorial, as designed, at the approved and dedicated Rainbow Pool site on the National Mall; and

(3) it is imperative that expeditious action be taken to commence and complete the construction of the National World War II Memorial so that the completed memorial will be dedicated while Americans of the World War II generation are alive to receive the national tribute embodied in that memorial, which they earned with their sacrifice and achievement during the largest and most devastating war the world has known.

Mr. WARNER. Mr. President, I thank the Chair, the floor staff, and the staffs of many Senators who were able to clear this resolution. I appreciate that.

I note the presence of another colleague on the floor. I would like to consult the Republican floor staff before I address the Senate further.

Mr. President, I understand our distinguished colleague wishes to address the Senate for a period of time. How much time will he require?

Mr. WYDEN. Five minutes will be plenty.

ORDER FOR RECESS

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, following the remarks of Mr. WYDEN for not to exceed 5 minutes, I ask unanimous consent that the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon is recognized.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. WYDEN. Mr. President, twenty-two days ago I was here on the Senate floor helping to secure the support of 100 Senators in passing the Secure Rural Schools and Community Self-Determination Act of 2000. It was a good day for rural Americans when the Senate adopted S. 1608 unanimously.

Today is even better for rural Americans. A few minutes ago, the Senate passed legislation that now reflects an agreement among all stakeholders—the schools, the counties, the House and Senate and the Administration—that assures House and Senate passage and the President's signature. This bill is the winning formula for everyone concerned about rural communities.

The bill the Senate has passed is fundamentally unchanged from S. 1608. The basics are the same: the purposes, the funding formula, and the flexibility for counties to choose how to spend a portion of the payment. The bill will provide stable payments for education and roads in more than 750 timber-dependent counties across this country and real opportunities for environmental restoration on our national forests.

The bill will make sure our rural communities do not become economic sacrifice zones. It will help people in forest communities adapt to changing national forest management policies by creating a funding formula alternative to timber receipts.

Policy changes in Washington, D.C. affecting logging on national forests across this country have caused timber receipts to fall an average of 70 percent over the last 15 years, and by as much as 90 percent in some areas. As timber receipts disappeared, roads fell deeper into disrepair, school programs were cut to the bone, and some schools even had to close their doors at least one day a week.

This legislation will give rural communities a more predictable payment formula than the current roller coaster system based on timber receipts. The amount going toward schools and roads would represent 80–85 percent of the three-year average of the highest payment years from fiscal years 1986 to 1999. The amount would be calculated on a state-by-state, three-high-year basis, but would be distributed among the counties on a county-by-county,

three-high-year calculation. Unlike today's system, a county will receive its payment from the General Treasury, regardless of whether a single tree is cut on the national forests.

The bill before us today retains and improves upon a key element of S. 1608: that counties decide for themselves, in conjunction with other stakeholders, how they want to invest the remaining 15-to-20 percent of the average payment. This bill clarifies and underscores county flexibility to use the funds other than those designated for schools and roads in any combination a county chooses for: fire prevention and fighting wildfires; forest-related education; easement purchases; emergency services reimbursement; stewardship projects; maintenance of existing forest infrastructure; ecosystem restoration; and improvement of land and water quality on national forest lands.

There is no doubt about it. This legislation will change the traditional dynamic between logging and Federal payments to schools and counties. But altering the link between timber harvest and county payments does not mean we seek to sever the ties between people and land. This bill will strengthen the bond between communities and neighboring Federal forests. The authorized projects are a way for the Federal government to recognize—without relaxing or compromising our environmental commitments—that timber towns grow not just trees, but people, too.

S. 1608 is supported by thousands of groups, hundreds of counties, labor organizations and school groups including the National Education Association, National Association of Counties, the American Federation of State, County and Municipal Employees, as well as the AFL–CIO.

I particularly want to thank Senator CRAIG, Chairman of the Forests and Public Lands Subcommittee, for helping to bring us to where we are today. He has been tireless in his efforts. I also want to recognize the outstanding commitment of Senator BINGAMAN, the ranking member on the Energy Committee, and the incredible work of Senator BAUCUS, who brought additional attention to non-federal land county projects, including wildfire prevention.

I would also like to acknowledge the work of the staff on this legislation. In particular, Josh Kardon, my Chief of Staff, and Sarah Bittleman, my Natural Resources Counsel, have done yeoman's work on this legislation. Carole Grunberg, my Legislative Director, was always there with support and encouragement. And Jeff Gagne, my Education advisor, also contributed to the effort by figuring out the maze of Oregon education spending. Special thanks also goes to David Dye, Counsel to the Senate Energy Committee and to Mark Rey of the Energy Committee staff, whose steady hand and creativity helped resolve so many problems successfully; to Bob Simon and Kira Finkler, of the Energy Committee Democratic staff; and to Brian Kuehl with Senator BAUCUS, Sara Barth with Senator BOXER, and Peter Hanson with Senator DASCHLE.

RECESS UNTIL 2 P.M. TUESDAY, OCTOBER 10, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m. Tuesday, October 10, 2000.

Thereupon, the Senate, at 3:51 p.m., recessed until Tuesday, October 10, 2000, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate October 6, 2000:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

AVIS T. BOHLEN, OF THE DISTRICT OF COLUMBIA
RICHARD A. BOUCHER, OF MARYLAND
JOSEPH GERARD SULLIVAN, OF MASSACHUSETTS
WILLIAM H. TWADDELL, OF RHODE ISLAND
ALEXANDER RUSSELL VERSHBOW, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MICHAEL HUGH ANDERSON, OF MINNESOTA
ANNA ANDERSON LEHEL BORG, OF THE DISTRICT OF COLUMBIA
MARK M. BOULWARE, OF TEXAS
WILLIAM RIVINGTON BROWNFIELD, OF TEXAS
STEVEN A. BROWNING, OF TEXAS
JOHN PATRICK CAULFIELD, JR., OF NEW JERSEY
GENE BURL CHRISTY, OF TEXAS
GWEN C. CLARE, OF CONNECTICUT
JOHN ALBERT CLOUD, JR., OF VIRGINIA
STEVEN JAMES COFFEY, OF VIRGINIA
PAMELA COREY-ARCHER, OF CALIFORNIA
ARNOLD JACKSON CRODDY, JR., OF MARYLAND
GLYN TOWNSEND DAVIES, OF WYOMING
JOHN SHIELDS DICKSON, OF NEW HAMPSHIRE
JOHN R. DINGER, OF IOWA
GEORGE S. DRAGNICH, OF VIRGINIA
KENNETH ALAN DUNCAN, OF CONNECTICUT
WILLIAM A. EATON, OF VIRGINIA
GREGORY WILLIAM ENGLE, OF VIRGINIA
RICHARD W. ERDMAN, OF MARYLAND
BEN FLOYD FAIRFAX, OF VIRGINIA
DANIEL TED FANTOZZI, OF VIRGINIA
BRIAN M. FLORA, OF FLORIDA
MICHAEL E. GUEST, OF SOUTH CAROLINA
JOHN DAVIS HAMILL, OF OHIO
RENO LEON HARNISH III, OF VIRGINIA
DOUGLAS ALAN HARTWICK, OF WASHINGTON
JOHN E. HERBST, OF VIRGINIA
HEATHER M. HODGES, OF VIRGINIA
CAROLYN RUTH HUGGINS, OF FLORIDA
WILLIAM IMBRIE III, OF MARYLAND
JAMES FRANKLIN JEFFREY, OF MASSACHUSETTS
LAURA-ELIZABETH KENNEDY, OF VIRGINIA
KRISTIE ANNE KENNEY, OF VIRGINIA
FREDERIC M. KRUG, OF NEW JERSEY
JAMES V. LEDESMA, OF CALIFORNIA
MICHAEL CRAIG LEMMON, OF FLORIDA
DAVID C. LITT, OF FLORIDA
WAYNE K. LOGSDON, OF WASHINGTON
THOMAS A. LYNCH, JR., OF VIRGINIA
FREDERIC WILLIAM MAERKLE III, OF CALIFORNIA
MICHAEL E. MALINOWSKI, OF ILLINOIS
STEVEN R. MANN, OF PENNSYLVANIA
EDWARD MC KEON, OF THE DISTRICT OF COLUMBIA
BRIAN J. MOHLER, OF VIRGINIA
JAMES F. MORIARTY, OF MASSACHUSETTS
LAUREN MORIARTY, OF HAWAII
GRETA N. MORRIS, OF CALIFORNIA
MICHAEL NESEMANN, M.D., OF VIRGINIA
EDWARD B. O'DONNELL, JR., OF TEXAS
MICHAEL ELEAZAR PARMLY, OF FLORIDA
MILDRED ANNE PATTERSON, OF VIRGINIA
MARGARET C. PEARSON, OF CALIFORNIA
VICTOR MANUEL ROCHA, OF CALIFORNIA
ANTHONY FRANCIS ROCK, OF NEW HAMPSHIRE
LAWRENCE GEORGE ROSSIN, OF CALIFORNIA
ARTHUR F. SALVATERRA, OF PENNSYLVANIA
DAVID MICHAEL SATTERFIELD, OF VIRGINIA
BRENDA BROWN SCHOONOVER, OF CALIFORNIA
CHARLES S. SHAPIRO, OF GEORGIA
DANIEL SREEBNY, OF VIRGINIA
GEORGE MC DADE STAPLES, OF KENTUCKY
JAIME SUAREZ, M.D., OF LOUISIANA
THOMAS C. TIGHE, OF FLORIDA
HOWARD C. WIENER III, OF VIRGINIA
ROSS LEE WILSON, OF MARYLAND
THOMAS W. YUN, M.D., OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

BETSY LYNN ANDERSON, OF VIRGINIA
JOHN RICHARD ARNDT, OF FLORIDA
LEWIS R. ATHERTON, OF THE DISTRICT OF COLUMBIA
SHELDON E. AUSTIN, OF FLORIDA
DAVID LEE BALLARD, OF TEXAS
DOUGLAS MALCOLM BARNES, OF COLORADO
WILLIAM MICHAEL BARTLETT, OF FLORIDA
JOHN ROSS BEYRLE, OF VIRGINIA
STANTON R. BIGELOW, OF WISCONSIN
MICHELE THOREN BOND, OF NEW JERSEY
GAYLEATHA BEATRICE BROWN, OF NEW JERSEY
HERBERT RENARD BROWN, OF FLORIDA
DAVID M. BUSS, OF TEXAS
PATRICIA A. BUTENIS, OF NEW JERSEY
JORGE CINTRON, OF PUERTO RICO
SCOTT H. DELISI, OF VIRGINIA
ALICE AMELIA DRESS, OF TENNESSEE
CLIFTON W. FLOWERS, OF VIRGINIA
JAMES BRENDAN FOLEY, OF NEW YORK
PHILIP CHARLES FRENCH, OF CALIFORNIA
GEORGE ALLEN GLASS, OF NEW JERSEY
JAN HARTMAN, OF FLORIDA
WILLIAM JAMES HAUGH, OF CALIFORNIA
LLEWELLYN H. HEDGBETH, OF CALIFORNIA
DOUGLAS C. HENGEL, OF NEW YORK
ROBYN E. HINSON-JONES, OF NEW YORK
J. ANTHONY HOLMES, OF CALIFORNIA
LEE JAMES IRWIN, OF WISCONSIN
JEANINE JACKSON, OF WYOMING
KENNETH H. JARRETT, OF NEW YORK
PAUL WAYNE JONES, OF NEW YORK
CRAIG ALLEN KELLY, OF CALIFORNIA
HANS GEORGE KLEMM, OF INDIANA
ANDREW C. KOSS, OF MAINE
DAVID KURAKANE, OF CALIFORNIA
BARRY JAY LEVIN, OF MISSOURI
SALLY MATHIASEN LIGHT, OF WASHINGTON
DENNIS M. LINSKEY, OF NEW YORK
MARY BLAND MARSHALL, OF VIRGINIA
GAIL DENNISE THOMAS MATHIEU, OF NEW JERSEY
GARY H. MAYBARDUK, OF MINNESOTA
DEBORAH ANN MC CARTHY, OF CALIFORNIA
TERENCE PATRICK MC CULLEY, OF OREGON
JACKSON C. MC DONALD, OF FLORIDA
KEVIN CORT MILAS, OF CALIFORNIA
DAVID B. MONK, OF MASSACHUSETTS
PATRICK S. MOON, OF OKLAHOMA
JAMES ROBERT MOORE, OF CONNECTICUT
JEFFREY C. MURRAY, OF MARYLAND
JAMES DINNEEN NEALON, JR., OF NEW HAMPSHIRE
LOUIS JOHN NIGRO, OF FLORIDA
THEODORE ARTHUR NIST, OF SOUTH DAKOTA
ROGER CHRISTOPHER NOTTINGHAM, OF INDIANA
ANNE H. O'LEARY, OF CALIFORNIA
STEPHEN R. PATTISON, OF TEXAS
DAVID D. PEARCE, OF MAINE
ROGER DWAYNE PIERCE, OF THE DISTRICT OF COLUMBIA
EUNICE SHARON REDDICK, OF NEW YORK
J. PAUL REID, OF CALIFORNIA
RONALD SINCLAIR ROBINSON, OF VIRGINIA
JOSIAH BLUMENTHAL ROSENBLATT, OF CONNECTICUT
PAUL EDWARD ROWE, OF VIRGINIA
MARLENE J. SAKAUE, OF CALIFORNIA
JOHN FREDERICK SAMMIS, OF VIRGINIA
JOHN RICHARD SCHMIDT, OF WISCONSIN
STEPHEN A. SECHE, OF MASSACHUSETTS
ANGUS TAYLOR SIMMONS, OF CALIFORNIA
MICHELE J. SISON, OF MARYLAND
DOUGLAS GORDON SPELMAN, OF OHIO
MADELYN ELIZABETH SPIRNAK, OF THE DISTRICT OF COLUMBIA
ADRIENNE M. STEFAN, OF FLORIDA
CRAIG J. STROMME, OF NEW YORK
JUDITH ANNE STROTZ, OF VIRGINIA
PAUL A. TRIVELLI, OF CONNECTICUT
J. PATRICK TRUHN, OF THE DISTRICT OF COLUMBIA
MOOSA A. VALLI, OF CALIFORNIA
LUCIEN S. VANDENBROUCKE, OF MARYLAND
DAVID GOFORTH WAGNER, OF PENNSYLVANIA
JANET M. WEBER, OF NEW YORK
A. DANIEL WEYGANDT, OF VIRGINIA
MARY ANN WHITTEN, OF CALIFORNIA
ROBERT M. WITAJEWSKI, OF CALIFORNIA
ROBERT CANTRELL WOOD, OF SOUTH CAROLINA
JACK M. ZETKULIC, OF NEW JERSEY
JAMES P. ZUMWALT, OF CALIFORNIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ALAN O. BIGLER, OF OHIO
JOHN P. BOULANGER, OF NEW HAMPSHIRE
JEFFREY L. BOZWORTH, OF MARYLAND
ANDREW J. COLANTONIO, OF VIRGINIA
JOSEPH M. DEVLIN, OF MONTANA
EDWARD F. GAFFNEY, OF VIRGINIA
STEPHEN J. KRUCHKO, OF VIRGINIA
SUSAN J. MONG, OF PENNSYLVANIA
ANTHONY MUSE, OF TENNESSEE
JANE S. NORRIS, OF TEXAS
RAYMOND L. NORRIS, OF OKLAHOMA
WILLIAM PRIOR, OF VIRGINIA
NICHOLAS J. RIESLAND, OF WASHINGTON
DAVID T. SHAEFFER, OF VIRGINIA
GREGORY BOWNE STARR, OF VIRGINIA

JOHN L. TELLO, OF MAINE
HARLAN D. WADLEY, OF OREGON
CHARLES D. WISECARVER, JR., OF VIRGINIA
MARK YOUNG, OF CALIFORNIA

STATE JUSTICE INSTITUTE

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2003. (REAPPOINTMENT)

THE JUDICIARY

ANDRE M. DAVIS, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE FRANCIS D. MURNAGHAN, JR., DECEASED.

CCONFIRMATIONS

Executive nominations confirmed by the Senate October 6, 2000:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN D. HOPPER, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. PAUL W. ESSEX, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN H. CAMPBELL, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LLOYD J. AUSTIN III, 0000
COL. VINCENT E. BOLES, 0000
COL. GARY L. BORDER, 0000
COL. THOMAS P. BOSTICK, 0000
COL. HOWARD B. BROMBERG, 0000
COL. JAMES A. COGGIN, 0000
COL. MICHAEL L. COMBEST, 0000
COL. WILLIAM C. DAVID, 0000
COL. MARTIN E. DEMPSEY, 0000
COL. JOSEPH F. FIL, JR., 0000
COL. BENJAMIN C. FREAKLEY, 0000
COL. JOHN D. GARDNER, 0000
COL. BRIAN I. GEEHAN, 0000
COL. RICHARD V. GERACI, 0000
COL. GARY L. HARRELL, 0000
COL. JANET E. A. HICKS, 0000
COL. JAY W. HOOD, 0000
COL. KENNETH W. HUNZEKER, 0000
COL. CHARLES H. JACOBY, JR., 0000
COL. GARY M. JONES, 0000
COL. JASON K. KAMIYA, 0000
COL. JAMES A. KELLEY, 0000
COL. RICKY LYNCH, 0000
COL. BERNARDO C. NEGRETE, 0000
COL. PATRICIA L. NILO, 0000
COL. F. JOSEPH PRASEK, 0000
COL. DAVID C. RALSTON, 0000
COL. DON T. RILEY, 0000
COL. DAVID M. RODRIGUEZ, 0000
COL. DONALD F. SCHENK, 0000
COL. STEVEN P. SCHOOK, 0000
COL. GRATTON O. SEALOCK II, 0000
COL. STEPHEN M. SEAY, 0000
COL. JEFFREY A. SORENSON, 0000
COL. GUY C. SWAN III, 0000
COL. DAVID P. VALCOURT, 0000
COL. ROBERT M. WILLIAMS, 0000
COL. W. MONTAGUE WINFIELD, 0000
COL. RICHARD P. ZAHNER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. LAWRENCE R. ADAIR, 0000
BRIG. GEN. BUFORD C. BLOUNT III, 0000
BRIG. GEN. STEVEN W. BOUTELLE, 0000
BRIG. GEN. JAMES D. BRYAN, 0000
BRIG. GEN. EDDIE CAIN, 0000
BRIG. GEN. JOHN P. CAVANAUGH, 0000
BRIG. GEN. BANTZ J. CRADDOCK, 0000
BRIG. GEN. KEITH W. DAYTON, 0000
BRIG. GEN. KATHRYN G. FROST, 0000
BRIG. GEN. LARRY D. GOTTARDI, 0000
BRIG. GEN. STANLEY E. GREEN, 0000
BRIG. GEN. CRAIG D. HACKETT, 0000
BRIG. GEN. FRANKLIN L. HAGENBECK, 0000
BRIG. GEN. HUBERT L. HARTSELL, 0000
BRIG. GEN. GEORGE A. HIGGINS, 0000
BRIG. GEN. WILLIAM J. LESZCZYNSKI, 0000
BRIG. GEN. MICHAEL D. MAPLES, 0000
BRIG. GEN. THOMAS F. METZ, 0000
BRIG. GEN. DANIEL G. MONGEON, 0000
BRIG. GEN. WILLIAM E. MORTENSEN, 0000
BRIG. GEN. ERIC T. OLSON, 0000
BRIG. GEN. RICHARD J. QUIRK III, 0000
BRIG. GEN. RICARDO S. SANCHEZ, 0000
BRIG. GEN. GARY D. SPEER, 0000
BRIG. GEN. MITCHELL H. STEVENSON, 0000
BRIG. GEN. CHARLES H. SWANNACK, JR., 0000
BRIG. GEN. TERRY L. TUCKER, 0000
BRIG. GEN. JOHN R. WOOD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 3036:

To be lieutenant general

MAJ. GEN. ROBERT B. FLOWERS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES S. MAHAN, JR., 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. STEVEN BLUM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM T. NESBITT, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID P. RATACZAK, 0000

To be brigadier general

COL. GEORGE J. ROBINSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GEORGE F. BOWMAN, 0000
BRIG. GEN. LLOYD D. BURTCH, 0000
BRIG. GEN. ALFONSA GILLEY, 0000
BRIG. GEN. JAMES R. HELMLY, 0000
BRIG. GEN. DENNIS E. KLEIN, 0000

To be brigadier general

COL. JAMES A. CHEATHAM, 0000
COL. GEORGE R. FAY, 0000
COL. CHARLES E. GORTON, 0000
COL. JOHN H. KERN, 0000
COL. CHARLES E. MCCARTNEY, 0000
COL. JACK C. STULTZ, JR., 0000
COL. STEPHEN D. TOM, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. BRADFORD C. BRIGHTMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10. U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. DOUGLAS ROBERTSON, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIE A. ALEXANDER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CAROLE A. BRISCOE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID J. KAUCHECK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DANIEL F. PERUGINI, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN E. STEVENS, 0000

To be brigadier general

COL. RICK BACCUS, 0000
COL. ABNER C. BLALOCK, JR., 0000
COL. JOHN M. BRAUN, 0000
BRIG. GEN. GEORGE A. BUSKIRK, JR., 0000
COL. JAMES R. CARPENTER, 0000
COL. CRAIG N. CHRISTENSEN, 0000
COL. PAUL D. COSTILOW, 0000
COL. JAMES P. DALEY, 0000
COL. CHARLES E. FLEMING, 0000
COL. CHARLES E. GIBSON, 0000
COL. MICHAEL A. GORMAN, 0000
COL. JOHN F. HOLECHEK, JR., 0000
COL. MITCHELL R. LECLAIRE, 0000
COL. RICHARD G. MAXON, 0000
COL. GARY A. PAPPAS, 0000
COL. DONALD H. POLK, 0000
COL. ROBLEY S. RIGDON, 0000
COL. CHARLES T. ROBBS, 0000
COL. BRUCE D. SCHRIMPF, 0000
COL. THOMAS J. SULLIVAN, 0000
COL. BRIAN L. TARBET, 0000
COL. GORDON D. TONEY, 0000
COL. ANTONIO J. VICENS-GONZALEZ, 0000
COL. WILLIAM L. WALLER, JR., 0000
COL. CHARLES R. WEBB, 0000
COL. WILLIAM D. WOFFORD, 0000
COL. KENNETH F. WONDRACK, 0000
COL. RONALD D. YOUNG, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. DAVIES, 0000
BRIG. GEN. GEORGE T. GARRETT, 0000
BRIG. GEN. DENNIS A. KAMIMURA, 0000
BRIG. GEN. BRUCE M. LAWLOR, 0000
BRIG. GEN. TIMOTHY E. NEEL, 0000
BRIG. GEN. LARRY W. SHELLITO, 0000
BRIG. GEN. DARWIN H. SIMPSON, 0000
BRIG. GEN. EDWIN H. WRIGHT, 0000

To be brigadier general

COL. GEORGE A. ALEXANDER, 0000
COL. TERRY F. BARKER, 0000
COL. JOHN P. BASILICA, JR., 0000
COL. WESLEY E. CRAIG, JR., 0000
COL. JAMES J. DOUGHERTY, JR., 0000
COL. RONALD B. KALKOFEN, 0000
COL. EDWARD G. KLEIN, 0000
COL. THOMAS P. LUCZYNSKI, 0000
COL. JAMES R. MASON, 0000
COL. GLEN I. SAKAGAWA, 0000
COL. JOSEPH J. TALUTO, 0000
COL. THOMAS S. WALKER, 0000
COL. GEORGE W. WILSON, 0000
COL. IRENEUSZ J. ZEMBRZUSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HERBERT L. ALTSHULER, 0000
BRIG. GEN. RICHARD E. COLEMAN, 0000
BRIG. GEN. B. SUE DUEITT, 0000
BRIG. GEN. MICHAEL R. MAYO, 0000
BRIG. GEN. ROBERT S. SILVERTHORN, JR., 0000
BRIG. GEN. CHARLES E. WILSON, 0000

To be brigadier general

COL. MICHAEL G. CORRIGAN, 0000
COL. JOHN R. HAWKINS, III, 0000
COL. GREGORY J. HUNT, 0000
COL. MICHAEL K. JELINSKY, 0000
COL. ROBERT R. JORDAN, 0000
COL. DAVID E. KRATZER, 0000
COL. MICHAEL A. KUEHR, 0000
COL. BRUCE D. MOORE, 0000
COL. CONRAD W. PONDER, JR., 0000
COL. JERRY W. RESHETAR, 0000
COL. BRUCE E. ROBINSON, 0000
COL. JAMES R. SHOLAR, 0000
COL. EDWIN E. SPAIN, 0000
COL. STEPHEN B. THOMPSON, 0000
COL. GEORGE W. WELLS, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KEVIN P. BYRNES, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KERRY G. DENSON, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. WILLIAM W. GOODWIN, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JACK A. DAVIS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JAMES R. BATTAGLINI, 0000
BRIG. GEN. JAMES E. CARTWRIGHT, 0000
BRIG. GEN. CHRISTOPHER CORTEZ, 0000
BRIG. GEN. GARY H. HUGHEY, 0000
BRIG. GEN. THOMAS S. JONES, 0000
BRIG. GEN. RICHARD L. KELLY, 0000
BRIG. GEN. JOHN F. SATTLER, 0000
BRIG. GEN. WILLIAM A. WHITLOW, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN F. GOODMAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS A. BENES, 0000
COL. CHRISTIAN B. COWDREY, 0000
COL. MICHAEL E. ENNIS, 0000
COL. WALTER E. GASKIN SR., 0000
COL. MICHAEL R. LEHNERT, 0000
COL. JOSEPH J. MC MENAMIN, 0000
COL. DUANE D. THIESSEN, 0000
COL. GEORGE J. TRAUTMAN III, 0000
COL. WILLIE J. WILLIAMS, 0000
COL. RICHARD C. ZILMER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ANDREW B. DAVIS, 0000
COL. HAROLD J. FRUCHTNICHT, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GREGORY S. NEWBOLD, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) JOHN G. COTTON, 0000
REAR ADM. (LH) HENRY F. WHITE, JR., 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. WILLIAM V. ALFORD, 0000
CAPT. JOHN P. DEBBOUT, 0000
CAPT. ROGER T. NOLAN, 0000
CAPT. STEPHEN S. OSWALD, 0000
CAPT. ROBERT O. PASSMORE, 0000
CAPT. GREGORY J. SLAVONIC, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL R. JOHNSON, 0000
REAR ADM. (LH) CHARLES R. KUBIC, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RODRIGO C. MELENDEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. RICHARD W. MAYO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

To be admiral

VICE ADM. WILLIAM J. FALLON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TONEY M. BUCCHI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY J. KEATING, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. MARTIN J. MAYER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DENNIS V. MC GINN, 0000

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DONNA L. KENNEDY, AND ENDING
MICHAEL D. PRAZAK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

AIR FORCE NOMINATIONS BEGINNING FRANKLIN C. ALBRIGHT, AND ENDING LEWIS F. WOLF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WARREN S. SILBERMAN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES C. SEAMAN, 0000

AIR FORCE NOMINATIONS BEGINNING GEORGE M. ABERNATHY, AND ENDING RICHARD M. ZINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2000.

AIR FORCE NOMINATIONS BEGINNING DOUGLAS N. BARLOW, AND ENDING GREGORY E. SEELY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 28, 2000.

AIR FORCE NOMINATIONS BEGINNING JOHN B. STETSON, AND ENDING CHRISTINE E. THOLEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 2, 2000.

IN THE ARMY

ARMY NOMINATIONS BEGINNING JOHN W. ALEXANDER JR, AND ENDING DONALD L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 10, 2000.

ARMY NOMINATIONS BEGINNING BRUCE D. ADAMS, AND ENDING VIKRAM P. ZADOO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

ARMY NOMINATIONS BEGINNING DANIEL G. AARON, AND ENDING X2457, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be colonel

MERRITT M. SMITH, 0000

ARMY NOMINATIONS BEGINNING JAMES M. DAVIS, AND ENDING LANNEAU H. SIEGLING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 628:

To be major

JOHN ESPINOSA, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

ALBERT L. LEWIS, 0000

ARMY NOMINATIONS BEGINNING PHILIP C. CACCESE, AND ENDING DONALD E. MC LEAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

ARMY NOMINATIONS BEGINNING RICHARD W. J. CACINI, AND ENDING CARLOS A. TREJO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

ARMY NOMINATIONS BEGINNING MELVIN LAWRENCE KAPLAN, AND ENDING GEORGE RAYMOND RIPPLINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be major

*MICHAEL WALKER, 0000 SP

ARMY NOMINATIONS BEGINNING EDDIE L. COLE, AND ENDING CHRISTOPHER A. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

ARMY NOMINATIONS BEGINNING JEANNE J. BLAES, AND ENDING JANELLE S. WEYN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

ARMY NOMINATIONS BEGINNING *PATRICK N. BAILEY, AND ENDING *JEFFREY L. ZUST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

ARMY NOMINATIONS BEGINNING TIMOTHY F. ABBOTT, AND ENDING *X4076, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 12, 2000.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING JACK G. ABATE, AND ENDING JEFFREY G. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 27, 2000.

THE FOLLOWING NAMED OFFICER FOR ORIGINAL APPOINTMENT AS PERMANENT LIMITED DUTY OFFICER TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589:

To be captain

GERALD A. CUMMINGS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. LADOUCEUR, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRADLEY S. RUSSELL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DOUGLAS M. LARRATT, 0000

NAVY NOMINATIONS BEGINNING FELIX R. TORMES, AND ENDING CHRISTOPHER F. BEAUBIEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

NAVY NOMINATIONS BEGINNING AVA C. ABNEY, AND ENDING MICHAEL E. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2000.

NAVY NOMINATIONS BEGINNING WILLIAM B. ACKER III, AND ENDING JOHN ZAREM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 2000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

KEITH R. BELAU, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

RANDALL J. BIGELOW, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT G. BUTLER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

VITO W. JIMENEZ, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL P. TILLOTSON, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

MICHAEL W. ALTISER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

MELVIN J. HENDRICKS, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

GLENN A. JETT, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant

JOSEPH T. MAHACHEK, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant

ROBERT J. WERNER, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

MARIAN L. CELLI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

STEPHEN M. TRAFTON, 0000